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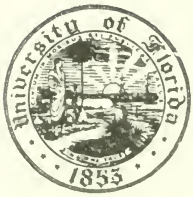

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THE FATHER OF SEQUOYAH: NATHANIEL GIST

The founder of the Gist family, of Maryland, was Christopher Gist, or Guest, who migrated from England and settled in Maryland on the south side of the Patapsco river in 1682, but removed in 1691 to Baltimore county. He married Edith Cromwell, of the family of the great Oliver Cromwell, lord protector of England. Their son, Richard (1684-1741), was the father of Christopher Gist, who is known in history as explorer of the West in 1750 and as guide of young George Washington in the Ohio river region in 1753 to ascertain the strength of the French. His journal of the expedition is the foundation of much of the early history of the west.

Christopher Gist II married Sarah Howard in Maryland, where three sons were born to them:

First—Richard Gist, Sept. 2, 1729, who was killed in the battle of King's Mountain, 1780.

Second—Nathaniel Gist, our subject, who was born Oct. 15, 1733.

Third—Thomas, who is said to have settled in Kentucky after the Revolutionary war, in which he was a training officer.

Nathaniel Gist bore the name of his father's younger brother, Nathaniel, and in confusion the uncle is by some credited with the adventures of the nephew among the Cherokees. Another brother of Christopher was William Gist.

Young Gist was evidently a visitor, for trade purposes, to the Overhill Cherokees as early as 1753. Manifestly, he was the son

referred to by Christopher Gist in the following excerpt from his *Journal* of 1753, kept while on a tour to the Ohio with Major George Washington: "A messenger came with letters from my son who has just returned from his people at the Cherokees."[1]

In 1754, at the age of 20, Nathaniel Gist was among the Overhill Cherokees. He and another young Virginian, eight years older than he, Richard Pearis, were engaged in the trade to those Indians, Pearis operating from Long Island of the Holston (the present Kingsport) in partnership with Thomas Price.

The goods were supplied by Christopher Gist, who earlier had been in the mercantile business in Baltimore. Having failed in business there, the elder Gist was now in Virginia endeavoring to recoup his fortunes by supplying or backing traders to the Indian tribes. Both Pearis and young Gist looked with longing eyes on the fertile acres of Long Island, and as early as 1754 Pearis preferred a claim to the island with Gov. Dinwiddie, of Virginia. In the spring of that year young Gist bore a message from Gov. Dinwiddie to the Overhill Cherokees asking that they come to the aid of Virginia in the great contest with the French for the possession of the Mississippi Valley. In the summer of the same year Pearis went back to Virginia. "Not having the wherewith to answer his credit, when Pearis came there, one Guest, his merchant, and father to the Guest who was sent into the nation as messenger from Virginia, seized on his leather and denied him any further credit, which obliged him here and there to pick up what goods he could get * * * of inconsiderable value, which he packed in bags, and brought two white men (who fled from Virginia for the press). These he sent into Chote with a letter to Old Hop[2] desiring him to give no credit to Guest or his linguister, Oliver; that they would tell him nothing but lies, and that Guest had stole the governor's

[1] William M. Darlington, *Christopher Gist's Journals*, 80. It is probable that Nathaniel accompanied his father on the tour of 1751-1752. "My son had the misfortune to have his feet frost-bitten (January 7, 1852)." "My son hunted up the creek (Mar. 1, 1752)." *Ib.* 72, 76.

[2] Emperor of the Cherokees.

letter from him, and he, himself, was the man to have brought it. This letter of Pearis to Old Hop was laughed at."[3]

In fact, Gist bore not only the governor's letter, but also a message from the Indians to the Six Nations in western New York, desiring the Cherokees "as mutual friends of the English to aid in expelling the French."

Pearis did not wish to confront young Gist in Chota, and avoided that town, but went to another, where his Indian wife resided. "Old Hop [the emperor] sent to have Pearis intercepted, and when he was brought in there were high words passed between Pearis and Gist. Old Hop told Pearis to be quiet, and asked him why he had lost his way and passed the town, and whether the governor had sent any message to his woman, and said he could compare him to nothing but a young buck in rutting time who ran hither and thither after a doe."

This quarrel between the two young Virginians in the woods of the Tennessee country was thus reported by Trader Ludovick Grant to Gov. Glen, of South Carolina, and in results it was of consequence. It contributed to the loss of the much needed manpower of the Cherokees to Virginians and the British regulars under Gen. Braddock in meeting the menace of the French and their Indians on the upper reaches of the Ohio. It brought a prompt reprimand of Pearis from Gov. Dinwiddie: "If it had not been for the unseasonable and disagreeable difference between you and Gist, I am fully of opinion they [the Cherokees] would according to former promise have sent some of their warriors before now to join our forces."[4]

More blamable for the defeat of Gen. Braddock and the death of that officer than this private dispute was the adverse attitude of Gov. Glen, in the view of Gov. Dinwiddie, who wrote to Gov. Dobbs, of North Carolina, on July 28, 1755: "If Mr. Glen, agreeable to promise, had prevailed over a number of Cherokee and

[3] *Dinwiddie Papers*, I, 266-68.
[4] *Ib.*, II, 76, 77.

Catawba warriors to join our forces we should not in all probability have been defeated, as they would have attacked the Indians in their bush way of fighting, which the regulars are strangers to; but * * * that gentleman had a meeting with those two nations of Indians at the very time they should have joined our forces. He had all along, I think, done everything contrary to his duty and the service of the expedition."[5]

Dinwiddie the same day addressed a sharp letter to Glen, much in the same tone.

Nathaniel Gist returned from Chota to Virginia in time to take part in Braddock's campaign, serving as lieutenant in his father's company of Washington's regiment—the Seventeenth Company Rangers, and he was in the disastrous defeat and rout of the colonial and regular forces under Braddock. Indeed, young Gist had been sent out from the army camp as bearer of the messages to the Overhill Cherokees, and it is a fair inference that Washington sent him or recommended him to Dinwiddie for the mission.

In the following year, 1756, Gist served in his father's company in ranging for the protection of the frontiers of Virginia against the marauding French Indians, unleashed and made bloodthirsty by their defeat of Braddock's army. The estimate of so just a man as Col. Adam Stephen of the Gist-Pearis broil before the Cherokees is preserved in a letter to Col. Washington, of date Nov. 7, 1755: Pearis' pretensions to bring in 200 Cherokees appears to me by advice from a rational person to be only a trick to procure forgiveness and recover the governor's countenance, after so many charges have been lodged against him by Mr. Gist. By a particular and intimate acquaintance of Pearis' it has been acknowledged that he was the principal cause of our not having the Cherokees last spring."[6]

[5] *Ib.*, II, 123.
[6] *Letters to Washington*, I, 123.

In the *Dictionary of American Biography* (Vol. VII), in the sketch of Christopher Gist by W. J. Ghent, the statement is made that "in 1756, he [Christopher Gist] went to the Cherokee country in East Tennessee in the vain effort to enlist Indians for service, and for a time he was an Indian agent in that locality."

The journey of the son is here attributed to the father. That the father remained at the north during the period of the son's stay among the Overhill Cherokees is clearly traceable in the *Dinwiddie Papers* and in the *Letters to Washington*. Christopher Gist was kept busy there in collecting supplies for the projected expedition of Braddock. No record has been found by the writer of the presence of the elder Gist in East Tennessee. It is also manifest that Nathaniel Gist was not in the decade of 1754-1764 an Indian agent among the Cherokees. That tribe was under South Carolina's management until Indian affairs passed to direct British control—first to Edmund Atkin as chief agent at the south. In 1757 the younger Gist was, for meritorious services, given by the governor of Virginia the pay and title of captain—the same title being the father's, and that fact doubtless has led to the confusion and erroneous statements.[7]

Nathaniel Gist was delegated assistant under Atkin to take care of 200 Cherokees then in Virginia to aid that colony in the recovery of ground and prestige lost in 1755. No doubt this designation of Gist was due to his acquaintance with these Indians, but the service was not rendered by him in East Tennessee. He is said to have led those Indian auxiliaries in the successful campaign of Gen. Forbes in 1758.

It is interesting to see the estimate placed by Col. Washington on the value of Cherokee auxiliaries from the Tennessee country. In September, 1756, he wrote Gov. Dinwiddie: "Those Indians who are coming should be shown all possible respect and the greatest care taken of them. It is a critical time, they are very

[7] *Dinwiddie Papers*, II, 669, 671.

humorsome, and their assistance very necessary. One false step might lose us all that, and even turn them against us."

And in June, 1758, when preparations were in progress for Gen. Forbes' expedition against Fort Duquesne, Washington wrote Gen. Forbes: "Indians I conceive to be the best if not only troops fit to cope with the Indians [of the French] in such grounds. * * * They are to us of the utmost importance. I suggest the idea of sending a proper person immediately to the Cherokee nation, who may not only heal the differences which now subsist, but get a body of them to join the army in their march, and no person sure has the interest of our important cause at heart would hesitate a moment to engage in such a service, on the event of which our all, in a manner, depends."

Two days before, Forbes had written to the great English statesman, William Pitt, of the Cherokees, then with him and his regulars: "If they leave us we shall lose the best part of our strength as all northern Indians, mostly our enemies, were kept in awe by the presence of so many Cherokees."[8]

Summers, in his *History of Southwest Virginia,* gives a glimpse of Nathaniel Gist and Daniel Boone in 1760: "About the same time Daniel Boone, accompanied by several hunters, visited the Holston and camped the first night in what is now known as Taylor's valley. On the succeeding day they hunted down the South Fork of Holston and traveled thence to what was thereafter known as Wolf Hill (Abingdon). Boone and his companion * * * disagreed and separated, Boone taking the Indian trail to the Long Island, and Nathaniel Gist, his companion, following the Indian trail to Cumberland Gap."

Relying, in part, upon this datum, Albert V. Goodpasture, a thorough investigator and most competent historian, in his "Paternity of Sequoyah,"[9] advances the contention that, after this hunt-

[8] June 17, 1758. Kimball (ed.) *Correspondence of Wm. Pitt,* II, 279.
[9] *Chronicles of Oklahoma,* I, 12. *et seq.*

ing trip, Gist went to the Cherokee towns on the Little Tennessee river and there formed a temporary alliance with a Cherokee maiden in 1760-61, the result of which was the birth of the great Sequoyah.

Goodpasture reinforces the argument by citing the facts that in Gist's petition to the legislature of Virginia asking confirmation of his title to Long Island of Holston from the Cherokees he represented that he had obtained it in 1761, thus evidencing his presence among the Indians in that year. It is difficult to follow this thesis. There was war flagrant, and hotly so, between the Cherokees and the whites of Virginia and the Carolinas in 1760-61, leading up to and including the massacre of the garrison of Fort Loudoun-on-Tennessee. In all the communications and publicity incident to those fateful happenings the presence of Gist is nowhere indicated. In point of fact, he was in active service with the Byrd-Stephen regiment of Virginians, as one of the captains, and that regiment was marching against those Indians.[10] The regiment under Col. Stephen built Fort Robinson opposite the Long Island, and did not proceed further, peace having been made.

If Gist obtained from the Indians a cession of Long Island it must have been when they came in to treat for peace at Fort Robinson, and not in their country below. Henry Timberlake and Thomas Sumter, of the command, did volunteer to venture there, Col. Stephen not being willing to command such a dangerous service; but nowhere from records does it appear, and it is altogether unlikely, that Gist went to the Overhill towns under the conditions prevailing.

While dissenting from the proposition that Sequoyah was born in 1760-61, this writer is in accord with Goodpasture in the belief that Capt. Gist was the father of that greatest of red Tennesseans. The probabilities point to the period of the early 1770's as being the time of Sequoyah's birth.

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[10] The fact is shown by much documentary evidence. See Williams, "Fort Robinson-on-Holston," in *East Tennessee Historical Society Publication*, IV, 22-32.

A valuable document is a biographical sketch of Sequoyah dictated to the poet, John Howard Payne, while the latter was for quite a time, in 1835, among the Cherokees.[11] The dictation was by Maj. Lowry, a mixed-blood cousin of Sequoyah, Mike Waters, a brother-in-law, and The Bark, the last named a warrior who was a close associate of Sequoyah in his youth. This manuscript sketch is entitled, "The Life of George Gist"—not Guess or Guest. In Payne's language it states: "I was informed that in 1835, the year I made the inquiry, Gist's age was about 60. He left the nation with the Arkansas emigrants from it about eleven years ago." This would place the date of Sequoyah's birth, approximately, in 1775. Another intelligent observer who saw Sequoyah before his removal to the West is in practical accord.[12]

Sequoyah's syllabary was completed in 1821, and his age then reckoned to have been "about 40." His oldest child, Teesey, was born in 1789. Sequoyah died in the town of San Fernando, Tamaulipas, Mexico, in August, 1843, after a long and trying journey westward in quest of a lost band of his countrymen. It is difficult to conceive of such a task being undertaken by a man 83 years of age, who had from childhood been a cripple from "white swelling" of the knee joint.

That Nathaniel Gist was the father of Sequoyah is consonant with all of many probabilities; that a wandering German peddler from Georgia was such, in 1770, as claimed and stated by Foster in his *Sequoyah,* is unbelievable. It may be that, to shield Gist, that story was advanced, even by his mother and her family. Guess, the peddler, has not been traced in the archives of Georgia or South Carolina. It would be a remarkable coincidence had there been two men by the name of Gist or Guest among the Overhill Cherokees in the same half decade, when very few white men were to be found there.

[11] Payne Papers in Ayres Collection, Newberry Library, Chicago.

[12] Emmet Starr, the Cherokee historian, says that Sequoyah died at the age of seventy-five. *History of the Cherokees,* 45. A boyhood friend of Sequoyah, Charles Hicks, one-time chief of the Nation was born 1767—not 1760.

John Mason Brown, of the Louisville bar, one of the greatest lawyers of Kentucky in his day, was a descendant of Nathaniel Gist; and he in a letter preserved in the Bureau of Ethnology, at Washington, stated that Sequoyah had visited the Gist family in Kentucky and was recognized by the descendants as a natural son of Gist. Mrs. Mary Cary (Cratz) Morton, a granddaughter of the Gist still living, states that the family tradition is that Sequoyah once visited Lexington looking up his Gist relatives.[13] This visit may have been in 1828, as Sequoyah was going to or returning from Washington as one of the Cherokee delegation to treat with the authorities in the capital city.

The mother of Sequoyah, Wut-teh of the Paint clan, was a member of one of the leading Cherokee families, and not, therefore, likely to consort with a strolling peddler. The "Life" in the Payne manuscripts states:

"The family of Gist, on the Indian side (the mother's), was of high rank in the nation. The famous John Watts[14] was one of them. Two of his uncles were men of great distinction: One of the two was named Tahlonteeske (the overthrower)[15] and the other Kahn-yah-tah-hee (the first to kill). Kahn-yah-tah-hee[16] was the principal chief of old Echota (Chota as known to the English), the ancient town of refuge over which he presided. He was called the Beloved Chief of all the people. It was his exclusive duty and delight to be a peace-preserver.

"During some public assembly there was an onset of the whites —notwithstanding it was a time of profound peace—and all the

[13] Letter of Judge S. M. Wilson, of Lexington, Ky., the Kentucky historian, to the writer, respecting an interview with Mrs. Morton.

[14] His father, John Watts, Sr., is said to have been of the garrison of Fort Loudoun when the fort was surrendered, 1761, but this is believed to be erroneous. The father was among the Overhill Cherokees before that fort was constructed in 1756-57, and no doubt was a trader. He was skilled enough in the Cherokee language to act as interpreter in the treaty of Augusta, Ga., 1763. *N. C. Col. Rec.* XI, 179; *Calendar of Tennessee papers* (Draper Collection), '81.

[15] Or Talontuski, Taluntiski or Tollunteeskee. He was a brother of Chief John Jolly.

[16] Commonly called by the Americans The Tassell. For Tatham's account of him in 1777: Williams, *William Tatham, Wataugan*, 23, and *History of the Lost State of Franklin*, 75-77.

Indians fled excepting Kahn-yah-tah-hee and another chief of whom there was some distrust in the nation. They were both in the square where the ceremonial had been gone through. Kahn-yah-tah-hee arose from his seat, and with a white flag waving, met the marauders as they broke into the square. Both chiefs were murdered brutally on the spot."

A number of white men among the Overhill Cherokees as traders were at Sycamore Shoals of Watauga in March, 1775, when Richard Henderson and associates purchased of the Cherokees large portions of Kentucky and Tennessee. Nathaniel Gist was present.

From the Cherokee country Gist in 1775 made a visit to West Florida, returning from the Mobile region when the Revolution in the South was passing into the active stage. He journeyed northward in company with Henry Stuart, deputy agent under the British, the better known Col. John Stuart being his brother and the principal agent to the Southern Indian tribes. On reaching the Tennessee river the party took water carriage towards the site of Chattanooga. Chief Dragging Canoe had been south to confer with the Stuarts and, having returned, was now patiently awaiting the arrival of Henry Stuart at the Tennessee. Stuart wrote his brother John that the party "met at the Tenassy some white people who had come down the river in order to settle on the Mississippi" —evidently in the Natchez district. Also of Capt. Gist that he was "well acquainted with the new settlements" on the Watauga and Nolachucky rivers and had informed young Stuart that "the settlers were very numerous."

On reaching the Cherokee towns the part played by Capt. Gist was, to say the least, equivocal and it led to deep resentment on the part of the Wataugans when they learned of it. He was, indeed, in close quarters. As a trader he must have had money owing to him from the Indians and he must have felt that his claim to the fertile Long Island should be conserved, if at all practicable. Gist knew of the plan of the younger warriors under the influ-

ence of Dragging Canoe to attack the white settlers on the Holston, Watauga, and Nolachucky.

There was a group of Tories in the Brown settlement on the Nolachucky. Capt. Gist, as Henry Stuart narrates, "offered to undertake to give them [these settlers with Tory leaning] notice if he could get four white men that know the woods and some Indians" to accompany him. One of these white traders was Jarret Williams. "The very night before they were to set out the four that were chosen to go ran away; they were all Virginians, which was likely to prove fatal to the white people who remained. All the white people in the nation thought that the only security they could now have for their safety was to go with the Indians."

Jarret Williams, a Wataugan originally from Virginia, when he reached the Watauga settlement gave information "that Alexander Cameron informed that he had concluded to send Capt. Nathaniel Guest, Williams Faulin, Isaac Williams and himself with the Indians till they came to the Nolachucky; that they were to stop and Guest and the other white men, above mentioned, were to go to see if there were any king's men among the inhabitants and, if they found any, they were to take them off to the Indians or have a white signal in their hands or otherwise to distinguish them. When this was done they were to fall on the inhabitants and kill or drive away all they possibly could."

Henry Stuart had endeavored to persuade or compel the settlers in what is now upper East Tennessee to move off of their lands to West Florida, promising that the Cherokees would permit of their safe passage down the rivers. In one of his written messages to the settlers he thus referred to Capt. Gist; "Capt. Gist has been all over West Florida and from what we know of that country we venture to recommend it to you as a very fit country for your poor people."

Dr. P. M. Hamer in a contribution to the *Mississippi Valley Historical Review,* without citing authority on the particular point,

states that Gist was at the time in the pay of Cameron, assistant British agent to the Cherokees, and that "for the purpose of protecting loyalists and women and children he accompanied the Indians in their attacks on the Wataugans." Gist, at least, did not leave the Indians for his home in Virginia. But his later claim or explanation was, no doubt, that the projected plan to leave the Redmen and go to the Tories on the Nolachucky was in order to get away to Virginia, that the plan failed when the white traders escaped from the Indian towns, and that his only safety was to go forward with the warriors. As we shall see, his explanation was satisfactory to such a patriot as Maj. Evan Shelby, and he was supported by a white trader to the Cherokees, Isaac Thomas. Too, as we shall later see, in the following year Gist wrote to the Cherokees reminding them that he had on this occasion, in 1776, warned them, before they went to war against the whites, against the step.

When, after the three contemporaneous attacks on the upper country settlers at Island Flats, on the Watauga and in Carter's valley, and in the latter part of the same year Col. William Christian began his retaliatory campaign against the Cherokees, his instructions from Gov. Patrick Henry were to insist upon the Indians "giving up to justice all persons amongst them who had been concerned in bringing on the present war, particularly Stewart [Stuart], Cameron and Gist."

When Christian, on the march towards the Cherokee towns, reached the French Broad river, Gist came in from the Indian side under a flag of truce to the camp of the colonel. He reported that 1,000 of the Cherokees from the Carolina side of the mountains had joined the Overhills, who would not give battle until the troops crossed the Little Tennessee. Christian wrote to Gov. Henry: (Oct. 15, 1776) "I judge the flag was only an excuse for him to get with me. I believe he is sorry for what he has done. I did intend to put him in irons, but the manner of his coming I believe will prevent me. The officers tell me that the camp is in great

confusion about him; some think that there are many favorable circumstances attending him; many are for killing him—of the last the greatest part. I spoke but little to him and don't know whether he wants to go back or not."

Two of the soldiers under Col. Christian left accounts of this incident. Benjamin Sharp stated that the bordermen "were so exasperated at him that almost every one that mentioned his name would threaten his life, yet Christian conveyed him through the settlements unmolested, and he went to the headquarters of Washington, where I presume the former friendship was renewed. He became a zealous whig." John Redd stated that "when Gist first came in to Christian he was viewed in a very suspicious light; he was thought to be a spy. But the prejudice against him soon wore off and he became very popular."

Gist went to Virginia and promptly laid a memorial before the governor and the council of state. The order entered by the council, Dec. 17, 1776, as is follows:

"Capt. Nathaniel Gist having presented a memorial to the Governor lamenting the suspicions which he fell under with several of his countrymen, as having acted an inimical part against America by aiding and abetting the Cherokees in their late hostile conduct and desiring his excellency and the council would make inquiry into the same, as a preparatory step either to his acquital or consign punishment, the board accordingly considered the several depositions transmitted by Col. Christian to the governor and which had been laid before the general assembly, and moreover examined Col. William Russell, Maj. Evan Shelby and Isaac Thomas, upon oath; and, upon the whole matter are of opinion that Capt. Gist is a friend of his country and was acting in that character most effectually when he was suspected of encouraging the Indian hostilities."[17]

[17] McIlwaine (ed.) *Official Letters of Governors of Virginia*, I, 78, 184, 186.

It no doubt gratified Gen. Washington to have the record of an old friend thus cleared; and on Jan. 11, 1777, Gist was appointed a colonel of a regiment in the continental line. The newly-made colonel was sent south by Washington to use his influence in bringing the Cherokees into the promised treaty at Fort Patrick Henry, Long Island. Arriving at the island on March 28, Gist sent by an Indian messenger a talk to the chiefs, a copy of which is to be found in the Library of Congress, Manuscript Division.

A number of the friendlier chiefs, in accordance with a promise to Col. Christian, came to the island to treat in April, but Dragging Canoe sullenly held back. Gist then went to Chota with some of the chiefs who did attend; and returned with them to Fort Patrick Henry on the date to which adjournment had been taken, arriving on June 28. At the request of the commissioners of Virginia and North Carolina he sent a second message to Dragging Canoe urging him to come in, but without success. The treaty proceeded, Gist sitting in council "on business from Gen. Washington." He was influential in bringing the results desired by Virginia and North Carolina. Col. Christian as one of Virginia's commissioners in an address to the Indians said:

"At our last meeting in April at this place, a letter from our great warrior, Gen. Washington, was delivered to his brother, Oconostota, by one of his war captains and our friend, Col. Gist. By this letter you were invited to send some of your young men to our general's camp. You know the pains and trouble he [Gist] has been at and how careful he has been to you in bringing about a happy peace; and he has long been a friend to your nation."

The Tassel (Kahn-yah-tah-hee), uncle of the Indian consort of Gist, replied:

"Here is my friend and brother (pointing to Col. Gist) whom I look upon as one of my own people. He is going to leave me and travel into a far country, but I hope he'll return. Here is one of my people, the Pidgeon, that will accompany him, but I do

not know of many more that will. He was once over the great water[18] where he could not see which way he was going; but this journey will be all by land and he will think nothing of the fatigue."

At the end of the treaty negotiated at Fort Patrick Henry in 1777, above the signatures, appears this "memorandum before signing":

"The Tassel yesterday objected against giving up the Great [Long] Island opposite to Fort Henry to any person or country whatever except Col. Gist, for whom and themselves it was reserved by the Cherokees. The Raven did the same this day in behalf of the Indians and desired that Col. Gist sit down upon it when he pleased, as it belongs to him, and them, to hold good talks on."

Col. Gist aided while on the treaty ground in celebrating the first July 4 anniversary ever held in Tennessee. An entry on the Journal shows:

"July 4 the anniversary of the Declaration of Independence was observed. The soldiers belonging to the garrison were paraded and fired two rounds, each in six platoons, and for the 13th one general volley. The great guns were also fired * * * The young warriors then closed the entertainment with a dance."

Col. Gist took with him to Virginia seventeen Cherokee warriors, including The Pidgeon, who were embodied in his command, the regiment being assigned to its first duty on the east shore of that state. Gist, in 1778, was an advocate of a fuller use of Indians in the American army.

The career of Gist in the Revolutionary War was a creditable one. For a time he was in command of Red Stone Fort in Pennsylvania; he campaigned in South Carolina. When Charleston was

[18] With Henry Timberlake in 1765. Williams, *Memoirs of Lieut. Henry Timberlake, passim.*

captured by the British, he was made a prisoner of war. He was retired Jan. 1, 1781.

In 1793 he removed from Virginia to Kentucky, where for services rendered as a soldier he had received a grant of 7,000 acres of the finest blue grass land.

A valuable sidelight is thrown upon the problem dealt with in this paper by the narration of Gen. James Taylor, of Kentucky, found in the Draper Collection:

"When I was moving out to Kentucky in the spring of '93 I left my company some distance before we reached Redstone (now Brownsville). I understood Col. Gist had arrived with a large number of slaves and was encamped about a half mile above the creek from which the old fort had taken its name. I called on Col. Gist at his encampment. I found him sitting under his markee which, no doubt, had protected him and his brother officers from the storms of many a cold and dreary night. He was a venerable looking man, I should think near 60 years of age; stout-framed and about six feet high and of a dark complexion. It was the first time I had seen him, but, on making myself known to him, he informed me he was well acquainted with my father and had served, I think, in the Virginia legislature or in the state convention together, and perhaps in both.

"While I was with him a good looking youth, who appeared to me about 16 or 17 years of age, come to the markee and was invited in. He was dressed in home-spun clothes, quite neat and was a fine, tall, well-looking youth. He appeared to wish to say something to the Colonel. At length he inquired if he had any business with him or wanted to say anything to him; and the colonel inquired his name. 'My name is Gist, sir,' said the young lad. 'Aye,' said the colonel, 'and who is your father?' 'Why, sir,' says he, 'I am told you are my father.' 'Ah, indeed,' says the colonel,' and who is your mother? Betsy—Oh, very likely it may be so then; I was well acquainted with a girl of that name some years

ago when I commanded Redstone fort. The young man appeared somewhat embarrassed and the colonel appeared somewhat stumped, and I concluded to take my leave as it might be more agreeable to have their conference alone on that delicate subject.

"I met the Hon. John Breckenridge moving out with his family. He was well acquainted with Col. G., and said he was a great gallant in his younger days. I should not have mentioned Col. G's name in this narration, but a few years ago I named it to one of Col. G's family and inquired of the person if they had any knowledge of the young man. They said they had; that he had moved to the West and had become wealthy; that the whole family had recognized him as a near relative and that he had rendered the family many important services."

On his Kentucky grant Col. Gist established his home, "Canewood," which was to become noted for the beauty of its embellishment and for its hospitality. He died there about the close of the War of 1812.

After the close of the Revolution, 1783, he married Judith Cary Bell, a grandniece of Archibald Cary, mover of the bill of rights in the Virginia House of Burgesses. The daughters of the couple married distinguished men. Sarah Howard Gist married Jesse Bledsoe, a United States senator from Kentucky, characterized by Henry Clay as the most formidable man he ever met at the bar in Kentucky; Anne Cary Gist married Dr. Joseph Boswell; Eliza Gist married Francis Preston Blair, and they were parents of Montgomery Blair, a member of Lincoln's cabinet, and Francis Preston Blair, Jr., who was a United States senator from Missouri and a brigadier-general in the Civil War; and Maria C. Gist married Benjamin Gratz, a wealthy citizen of Lexington.

Francis P. Blair, Jr., was the Democratic candidate for the vice-presidency on the ticket with Seymour in 1868; and B. Gratz Brown was the democratic candidate for the same office running with Horace Greeley in 1872.

Missouri has placed in Statuary hall, in the capitol at Washington, the statue of F. P. Blair, Jr.; Oklahoma has placed in the same place the statue of Sequoyah. So that if Sequoyah was the son of Nathaniel Gist, the latter is without serious doubt the only man to have two descendants named by sovereign states as representatives in the Hall of Fame.

That the family of Gist produced virile and able men is further shown by the facts that Mordecai Gist, a cousin of Nathaniel, was a general in the Revolutionary War; and William H. Gist was Civil War governor of South Carolina. Joseph Gist represented South Carolina in Congress.

The Tennessee Gists were from the neighborhood of the Moravian town of Salem, N. C., and evidently descendants of William Gist, brother of Christopher Gist, who for a time lived on the nearby Yadkin river. Benjamin Gist was one of the first justices of Washington county, 1777, and it was, perhaps, through visits to him that Nathaniel Gist became acquainted with the Watauga settlers. Joshua Gist, son of Benjamin, was a member of the constitutional convention of the state of Franklin and one of the two assistant judges of that "lost state." Benjamin, and almost certainly Joshua, was under Sevier in the Battle of King's Mountain. These Gists were early settlers of Sevier county.

Where, it may well be asked, are there descendants of the mythical Guess of Georgia? If there was such a person, where can there be found in his line any, not to say such, evidences of transmitted force and ability?

—Samuel C. Williams

Johnson City, Tennessee.

WILLIAM P. ROSS

CHIEF WILLIAM POTTER ROSS

There was unfeigned sorrow in Tahlequah and throughout the Cherokee Nation when the word came through from Washington of the death of John Ross in the capital city, on August 1, 1866. The "sleep that knows no waking" had halted his interesting career of 38 years as chieftain of his people. He had survived out of the old Cherokee life in the East and into their new life in the West. His life story offers an arresting chapter for those who are interested in Indian history.

John Golden Ross,[1] who was of no blood relation to Chief John Ross of the Cherokees, was born in Scotland on December 23, 1787. When a mere lad, his parents, with young John and his sister, embarked from Scotland for America to establish a new home. While en route, a violent storm arose at sea, during which the father was swept overboard into the sea and was never seen again. The frantic mother collapsed and died from the shock, leaving the two children to the care of strangers. The ship's captain brought the orphans into port at Baltimore where a kind-hearted citizen gave them a home. The sister died shortly thereafter but John Golden Ross grew to young manhood in Baltimore where he attended school and became a cabinet maker. Early in life, he struck out for himself, went south and located in Tennessee in the country of the Cherokee Indians. The young Scotchman served as a rifleman in Gen. Jackson's Tennessee militia in the Creek war of 1813-14 and fought with "Old Hickory" at New Orleans in January, 1815. Upon the conclusion of the war, he returned to Tennessee where, in 1819, he married Eliza Ross,[2] a sister of John Ross, later to become chief of the Cherokees. She was

[1] The writer is indebted to Hon. Hubbard Ross of Ft. Gibson, for much valuable information. Mr. Ross is the sole surviving son of Chief William P. Ross.

[2] John Bartlett Meserve. For ancestry of Eliza Ross see, "Chief John Ross," *Chronicles of Oklahoma*, Vol. 13, pp. 422 *et seq.*

a daughter of Daniel and Mary Ross, was born near Lookout Mountain, Tennessee on March 25, 1789 and died at Park Hill, in the old Indian Territory on February 7, 1876 and rests in the old cemetery at that place. Young Ross through his marriage became a recognized member of the Cherokee tribe. He established a trading post among the Cherokees and at one time maintained a large warehouse at Gunter's Landing in what is now in Marshall County, Alabama, on the Tennessee river. He owned a beautiful home at Will's Valley, Alabama, which he was required to abandon when the Cherokees were forced to remove to the West in 1838.

About the first of the year 1839, John Golden Ross and his wife and children joined Chief John Ross and other members of the Ross family in their tragic emigration to the old Indian Territory. The river steamboat "Victoria" upon which the party had negotiated the Arkansas river reached the mouth of the Illinois river in April 1839. A delay had been occasioned at Little Rock, Arkansas, because of the death of Mrs. John Ross at that place in March. After landing, the party proceeded over land to Park Hill, where John Golden Ross established his home and engaged in the mercantile business. "Uncle Jack" as he was affectionately called during the latter years of his life, was below the medium in stature and rather conservative in disposition. He was very much esteemed by all who knew him. His business operations were quite successful and he enjoyed the comforts of a fine home at Park Hill. He was an earnest Christian, being a devout member of the Methodist Church. Uncle Jack passed away at Park Hill on June 2, 1858, after a brief illness and was laid to rest in the old Ross cemetery near that place. Dr. Samuel Worcester, himself in failing health, conducted the burial services held in the little brick church at the old Mission. The life service of Dr. Worcester was closed in the following April, but to the brave soul of this great Puritan messenger among the Cherokees, death was only another tomorrow.

William Potter Ross,[3] eldest son of John Golden and Eliza Ross, was born at the base of Lookout Mountain, on the Tennessee river, some seven miles south of Chattanooga, Tennessee, on August 20, 1820. He was taught his first letters by his mother and first attended the Presbyterian Mission School at Will's Valley, Alabama, presided over by Rev. William Potter after whom he was named. Later, he attended the academy at Greenville, Tennessee and, at seventeen, entered Hamil's Preparatory School at Lawrenceville, New Jersey. He subsequently enrolled at Princeton, from which he was graduated with the first honors of his class of forty-four young men, in 1842. These advantages of a higher education came to him through the interest of his uncle, Chief John Ross, who provided the necessary finances. During the five year period of his absence at school, the removal of the Cherokees had been accomplished and so the summer of 1842 found him at the home of his parents at Park Hill, which was at that time the cultural center of the Cherokee Nation. In the fall and winter of 1842-3, he taught school at Fourteen-mile creek (now Hulbert, Oklahoma) in a Methodist log church. The young collegiate was privileged to witness the celebrated intertribal peace conference at Tahlequah in July, 1843, at which between three and four thousand representatives of some eighteen tribes were in attendance, many of whom were in primitive dress.

William P. Ross was elected clerk of the senate of the National Council on October 3, 1843 and as such rendered much technical assistance in framing legislation as well as in drafting state papers for the chief. As a matter of fact, he was a very close confidante and counsellor of the chief until the death of his distinguished uncle. This session of the Council established the *Cherokee Advocate,* a weekly newspaper designed to inform and encourage the Cherokees in matters of agriculture and education and to afford to them, the correct Indian happenings. William P. Ross was se-

[3] O'Beirne, *The Indian Territory; Its Chiefs, Legislators and Leading Men,* pp. 234 *et seq.*

lected as the first editor and the initial edition appeared on September 26, 1844, at Tahlequah.[4] He continued in that capacity for four years. Its editorials, in composition and quality from the pen of its accomplished young editor, proclaimed him a master of English. The life of the *Advocate* was rather uncertain, it being discontinued on September 28, 1853, because of lack of funds. It was revived on April 26, 1870, and continued until December 26, 1874, when its office and equipment were destroyed by fire. It was started again on March 4, 1876, and ran until March 3, 1906, when it was finally discontinued by the Government. These years in the editorial chair of the *Advocate* enabled him to give practical effect to his collegiate technical training and as a consequence he rapidly developed into a most versatile writer and fluent public speaker and became so recognized among the Cherokees. Upon his retirement from editorial work, he became a merchant and and later engaged in the practice of law. He served as senator from the Tahlequah District to the National Council in 1849, 1851, 1853, 1855, and 1857. He was secretary to his uncle Lewis Ross, the National Treasurer, in 1860.

The young editor was a staunch temperance advocate and an active participant in the activities of the Cherokee Temperance Society of which he was secretary.[5] At a meeting of this society held at Tahlequah on October 16, 1845, as such secretary he reported a membership of 3,058. Through the *Advocate* during his editorship, ardent support was given to the temperance movement among the Cherokees.*

The Civil War provoked a headache for the Cherokees. Efforts were made by the Ross faction to preserve a neutral posture toward the contending elements but the abandonment of the mili-

[4] The bound volumes of the *Cherokee Advocate* for the first two years under the editorship of William P. Ross are now (1936) in the possession of Hubbard Ross, Ft. Gibson.

[5] Grant Foreman, "A Century of Prohibition," *Chronicles of Oklahoma*, Vol. 12, p. 138.

* The first Masonic lodge ever to be formed among the Indians was organized at Tahlequah, on July 12, 1849, and William was named its first secretary.

MARY JANE ROSS
Wife of William Potter Ross.

tary posts in the Territory by the Government and the immediate occupancy of the Indian country by the Confederate troops, left no option for the Cherokees but to make an alliance with the South. Many of the more opulent mixed bloods and intermarried whites were quite extensive slave holders and they were also probably an influencing factor. The treaty of alliance made with the Confederacy through Gen. Albert Pike, late in the summer of 1861 was not regarded with much favor by William P. Ross; nevertheless, on October 4, 1861, at Park Hill, he enlisted in and became Lt. Colonel in the 1st Cherokee Regiment of Mounted Rifles, Field and Staff, in the Confederate army. The interesting Rev. Lewis Downing was chaplain of this organization. He engaged in the battle of Pea Ridge, Arkansas on March 7-8, 1862, but a majority of his regiment returned to their allegiance to the Union by February, 1863. The Union forces occupied Tahlequah for a brief period in the summer of 1862 at which time Chief John Ross was granted a military escort by the Union general to Ft. Scott, Kansas from whence he left for Philadelphia. Col. William P. Ross, a Confederate official under "parole of honor" followed his friends to the North, but returned in 1863 when Union forces again occupied the Cherokee country, and became associated in a sutler's store at Ft. Gibson, for the 3rd Regiment of Indian Home Guards (Union). This store was burned very shortly thereafter. The occupation of the Cherokee Nation in 1863 by Union forces doubtless impressed William P. Ross that further active hostilities were concluded in so far as the Cherokees were concerned. At this time he engaged every effort to persuade the Confederate Cherokees to return with their families from the South, to their homes in the Nation and resume their peaceful lives. William P. Ross abhorred war, especially when it became internecine as it did among the Cherokees. He was a friend of humanity, a lover of Northern and of Southern Cherokees alike and labored for a reunited Nation.

He was a member of the Cherokee delegation to the peace conference at Ft. Smith, Arkansas, September, 1865, at the close of the war.

Upon the death of Chief John Ross, Rev. Lewis Downing automatically became acting chief and served until October 19, 1866, upon which date the National Council filled the vacancy by electing William P. Ross to the position. The selection of him to follow immediately in the footsteps of his illustrious uncle, was, to him, the momentous event of his career. In his first message to the Council, in November, 1866, he touches upon the late war and in eloquence which rises to heights almost sublime, pleads with his people for tribal unity:

> "Cherokees! if you firmly resolve to become one people, you will become one; if you firmly resolve to stand together, so will you stand, alike through good and evil. * * * Let us look forward to the pleasing landscape of the future, with its newly rising sun, its green plains, majestic hills and silvery streams, and not back upon the dark valley of the past, with its lost friends, blighted hopes and sad and fearful associations. The error, the wrong, the violence, the inhumanity and the defeat, the patience, the suffering, the heroism and the victory of the war have floated by us down the stream of time. They have gone to swell the great volume of history."

The remains of John Ross were returned to the Territory in the summer of 1867 and reinterred at Park Hill. The eulogy upon that occasion delivered by his successor, approached the sublime as he concluded,

> "Such was John Ross. He died at the post of duty, at a most solemn crisis in our affairs; was temporarily interred in the cemetery at Wilmington, Delaware and has been brought here by authority of the National Council for final burial among those whom he so much loved and so long served. It is meet that such action has been had. It is proper that here should his dust mingle with kindred dust, and that a suitable mem-

CHEROKEE COUNCIL HOUSE

orial should arise to mark the spot where repose the bones of our greatest chieftain. It will keep alive within our bosoms a spirit of patriotism. It will impart strength and hope in the hour of adversity. It will teach us to beware of domestic strife and division. It will serve to unite us more closely in peace, in concord and in devotion to a common welfare. It will soften our asperities and excite the thoughtful youth of our land to patience, to perseverance, to success and to renown."

William P. Ross served as chief until the tribal election of August 5, 1867, when Rev. Lewis Downing was chosen. Chief Downing served out his first term, was reelected on August 7, 1871, but died on November 9, 1872 and on November 11, the Council filled the vacancy by again appointing William P. Ross to serve out the unexpired term. He served until superseded by Rev. Charles Thompson, who was elected on August 2, 1875.

The years of his tenure as chieftain were the initial years of reconstruction among the Cherokees after the Civil War. Under his directing hand, the Cherokee constitution was amended to coordinate with the terms of the treaty in 1866. In 1867, he served as one of the Cherokee commissioners who framed the treaty with the Delaware Indians whereby the members of that tribe were adoptd among the Cherokees. The harmonizing influence of William P. Ross healed many of the breaches created by the Civil War, as he omitted no opportunity to impress upon his people, the necessity of a unified Nation.

After his retirement from public office, he became editor of the *Indian Journal,* at Muskogee, in 1875-6. He later edited the *Indian Chieftain* at Vinita and the *Indian Arrow* at Ft. Gibson and Tahlequah. He was a member of the board of education in 1884 and in 1869, 1871, 1889 and 1891, was a senator from the Illinois District. During the many years of his residence at Ft. Gibson, he functioned, at one time, as the mayor of that interesting place. In 1871, he represented the Cherokee Nation at the inter-

tribal council at Okmulgee in which preliminary matters affecting possible future statehood were discussed.

Perhaps William P. Ross rendered no greater service to his people than his services, from time to time, as a delegate to Washington. Many outstanding delegations represented the various tribes before Congress and the departments in the capital city, but the distinguished Cherokee delegate towered above them all in his ability as an advocate. From 1846 to 1886, he represented his people, at various times in Washington. His argument before the Interior Department and the Indian Committee of the House, betrayed his complete knowledge of the Indian treaties and proclaimed him an Indian master of the English diction and eloquence—a writer, orator and statesman.

The matter of education among the Cherokees ever engrossed the heart of William P. Ross. A notable achievement of his administration was the enlargement of the Cherokee National High Schools. He also initiated legislation looking to the establishment of the Orphan Asylum which was later to become a notable institution. He constantly sought the cultural advancement of his people by seeking to interest them in education. As chief of the Nation, he gave to the schools and seminaries a personal touch.

The bells of Evensong tolled at Ft. Gibson on July 20, 1891 as the soul of the erudite chieftain passed from earth. He rests in the Citizens' Cemetery at that historic place, where his grave is suitably marked. He married Mary Jane Ross, a daughter of Lewis Ross, at Park Hill on November 16, 1846. She was born at Charlestown, Tennessee on November 5, 1827, was educated in Washington, D. C. and died at Ft. Gibson on July 29, 1908 where she is buried. After the demise of her distinguished husband, she compiled and caused to be printed[6] a biography of the chief. She was also a member of the distinguished Ross family among the Cherokees and a most charming lady.

[6] Mrs. Wm. P. Ross, *The Life and Times of Hon. Wm. P. Ross*, 1892.

William P. Ross was a man of medium height, weighing perhaps 165 pounds and rather erect in carriage. His manner was pleasing, his voice gentle and his posture, kind hearted and easy of approach. Intellectual though he was, he did not place culture so high as to sacrifice the essential thing in life—faith. Life offered him no alternative but God. He was a member of the Presbyterian church. William P. Ross was a statesman. He was a man of letters and an orator. The Cherokees are today as they have been for many decades, one of the most cultured of the Indian tribes upon the continent. In the later years of their rehabilitation in the West, the influence of William Potter Ross upon their advancement stands unchallenged.

—John Bartlett Meserve

Tulsa, Oklahoma.

HOW THE CHEROKEES ACQUIRED THE OUTLET

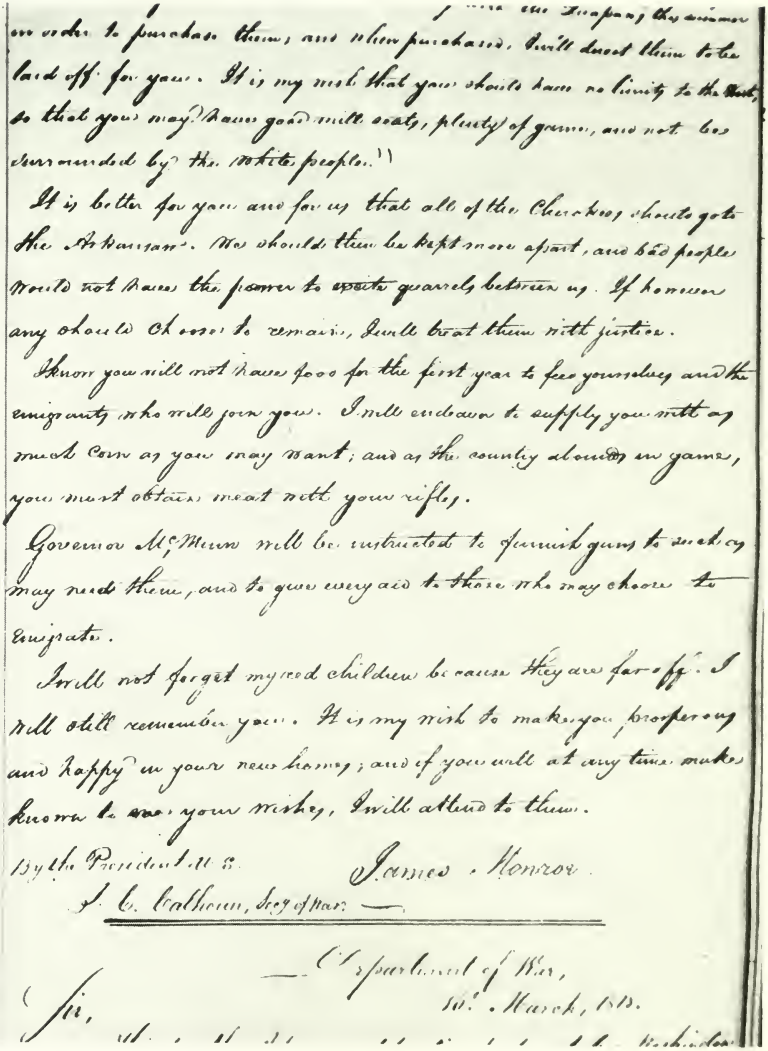
In prominence and importance no tract of country excels the Cherokee Outlet in the history of lands of Oklahoma Territory. A review as to how the Cherokees acquired the Outlet includes documents penned more than a hundred years ago. A Cherokee outlet to the west was a promise and policy of the government as well as a matter of land. In 1809 President Jefferson encouraged the Cherokees to settle on certain lands between White River and the Arkansas. Those who settled there desired to have a definite tract of country assigned to them, its bounds ascertained and efficient measures taken to prevent white people from mixing with them and otherwise intruding upon their lands.[1]

It appears that on July 9, 1816 Major William L. Lovely, agent for the Cherokees in Arkansas, addressed a letter to Clermont and all the chiefs of the Osage nation[2] proposing to pay all the debts that could be properly authenticated against the Osages by the white people and Cherokees provided they would relinquish all claim to a certain tract of land. The tract, although poorly described in the letter as now available, seems to have included the country extending from the Cherokee land at the junction of the White and Arkansas Rivers, westwardly between the said rivers and to have culminated in an extreme point which reached the falls of the Verdigris.[3] The proposition by Lovely was agreed to and signed July 14 by a half dozen head men and braves on the part of the Osages. The tract of land contained more than seven million acres and became known as "Lovely's Purchase." The Gov-

[1] Report of William Clark et. al, Oct. 18, 1815, *Amer. State Papers*, Ind, Aff., ii, p. 11.

[2] A letter purported to be a true copy of the original is in *H. Documents*, 20 Cong. 1 sess., vi (174), no. 263, p. 38.

[3] Foreman, *Pioneer Days in the Early Southwest*, pp. 29, 65; *Indians and Pioneers*, p. 46.



Excerpt from a speech by President Monroe to the Cherokees, March 1818

ernment had not authorized Lovely to enter into the agreement to purchase the lands,[4] nor did it confirm the agreement.

By the fifth article of the Cherokee treaty[5] of 1817 the United States bound themselves in exchange for certain Cherokee lands east of the Mississippi, to give to that part of the Cherokee nation on the Arkansas as much land on that river and White River as they had or might thereafter receive from the Cherokee nation east of the Mississippi, acre for acre, as the just proportion due that part of the nation on the Arkansas agreeably to their numbers; which should commence at a line drawn approximately from the present site of Morrillton to Batesville, and extend up and between White River and the Arkansas for complement, the banks of which rivers should be the lines. All citizens of the United States, except Mrs. Percis Lovely, widow of Major Lovely, who should be allowed to remain where she was living during her natural life, should be removed from within the bounds of the tract of land above described.

In the words of John C. Calhoun, Secretary of War, "the great object"[6] which the government had in view was the moving of the Cherokee nation to the west of the Mississippi, which in its probable effects would lead ultimately to the removal of the Creeks, Choctaws, and Chickasaws to the same region. In a talk[7] to a Cherokee delegation of the Arkansas about the middle of March, 1818 President Monroe said that it was better for the Cherokees to go to the Arkansas than to remain east of the Mississippi, and that it was his wish to make them prosperous and happy in their western homes. He said that during the next summer the government

[4] C. C. Royce, "The Cherokee Nation of Indians," Bureau of Ethnology, *Annual Report*, 1883-1884, pp. 245-246.

[5] Treaty of July 8, 1817, 7 *Statutes*, 156. See also the Cherokee treaty of Feb. 27, 1819, *ibid.*, p. 195.

[6] Calhoun to Joseph McMinn, March 16, 1818, O. I. A., *Letter Book*, Series I, D, p. 125. See also George Graham to McMinn, Nov. 29, 1817, *ibid.*, p. 101; same to same, Dec. 2, 1817, *ibid.*, p. 103; Calhoun to McMinn, Jan. 19, 1818, *ibid.*, p. 114.

[7] The talk is in *ibid.*, pp. 124-125; also in *H. Documents, loc. cit.*, pp. 5-6.

would negotiate with the Quapaws[8] for the purchase of the lands lying up the Arkansas to the west of the Cherokee settlement, and that when the same should be purchased he would direct them to be laid off for the Cherokees. Moreover, he said: "It is my wish that you should have no limits to the West, so that you may have good mill-seats, plenty of game, and not be sourrounded by the white people." Whatever were the wishes of the delegation, all those wishes, according to Calhoun, had been gratified when the delegation were ready to leave Washington, March 16.

"The Cherokees are anxious to have an outlet to the west, to the game country," said Calhoun in a letter of May 8.[9] He said that it seemed fair that the Osages, who held the country west of the Cherokee settlement, and had been beaten in hostilities with the Cherokees, should either make a concession of such portion of their country as might give the outlet, or, at least grant the Cherokees an undisturbed passage to and from their hunting grounds. He desired an arrangement with the Cherokees which should be as favorable to them as justice permitted, since the President was anxious to hold out every inducement to them, and the other southern nations of Indians, to emigrate to the west of the Mississippi. By a treaty of September 25 the Osages ceded to the United States and forever quitclaimed a triangular tract of country extending from the present site of Fayetteville to the falls of the Verdigris.[10]

The treaty of 1817 provided for an indefinite boundary line on the western side of the Cherokee tract and the whereabouts of that line together with the right of possession and use of the country west of it was for a decade a subject of acrimonious contention between the Cherokees and the people of Arkansas Territory. Be-

[8] It was subsequently found that the lands belonged to the Osages, rather than to the Quapaws. Extract of a letter from Calhoun to Reuben Lewis, July 22, 1819, *ibid.*, p. 7.

[9] Calhoun to William Clark, May 8, 1818, O. I. A., *Letter Book*, Series I, D, p. 154.

[10] Treaty of Sept. 25, 1818, 7 *Statutes*, 183. The tract is shown in Royce, *Indian Land Cessions in the United States*, map 21, no. 97.

fore the close of 1818 the Department of War directed that persons settled at points higher up the Arkansas than Fort Smith be removed,[11] and the Department proposed to adhere to this order for eight years. But the Cherokees in the summer of 1821 found cause to complain that the promises of the government in relation to an outlet to the west had not been performed. In a letter of much later importance, Calhoun replied that it had always been the intention of the government to carry into effect, fully, every promise made by it to the Cherokees. He also said: "It is to be always understood that in removing the white settlers from Lovely's purchase for the purpose of giving the *out let* promised you to the West you acquire thereby no *right to the soil but merely an out let,* of which you appear to be already apprized, and that the government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country."[12]

The next year he stated that the Cherokees on the Arkansas prior to that time had had no limit to the west; but, as they wished the precise quantity of land to which they were entitled, agreeably to the treaty of 1817, to be laid off for them, he said that measures would be adopted for that purpose, as soon as the whole number of acres ceded by the Cherokee nation could be ascertained. "After a western boundary is fixed," he said, "their settlements must be confined entirely to their own limits."[13] The surveys were made early in 1825 and the Cherokees were put in possession of a tract of land amounting to some four million acres.[14] The western boundary as determined was a straight line drawn from Missouri, by way of Harrison, to a point about seven miles southwest of Fort

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[11] Calhoun to Andrew Jackson, Dec. 15, 1818, *H. Documents, loc. cit.*, p. 7.

[12] Calhoun to Ticke-e-toke and four other chiefs of the Arkansas Cherokees, Oct. 8, 1821, O I A., *Letter Book*, Series I, E, p. 167; the letter is also in *Cong. Record*, 51 Cong. 1 sess., p. 1513.

[13] Extract of a letter from Calhoun to Gov. James Miller, Sept. 10, 1822, *H. Documents, loc. cit.*, p. 9.

[14] Extract of a letter from Thos. L. McKinney to John Cocke, Dec. 15, 1826, *ibid.*, p. 26.

Smith.[15] The next year the Secretary of War directed that the order of 1818 restricting settlement on the Arkansas above Fort Smith be suspended. The Cherokees became excited because of the settlement by white people on the lands of Lovely's Purchase just west of them. It was not yet known whether the tract laid off for the Cherokees contained the correct acreage because the surveys of Cherokee lands east of the Mississippi had not been completed. The Cherokees urged that the lands just west of them be withheld from white settlement until the proper acreage of their reservation should be determined.[16] In a communication of more than a half dozen pages addressed to the Secretary of War on February 28, 1828 they set forth their rights to the lands and answered a memorial on the same subject addressed to the President of the Legislature of Arkansas Territory.[17]

On May 6 James Barbour, Secretary of War, concluded a treaty with the Western Cherokees.[18] By the treaty the United States agreed to possess the Cherokees[19] of, and to guarantee to them forever, a tract of seven millions acres of land bounded on the south by the Arkansas and the Canadian Rivers, and on the east by the present boundary of Arkansas and the southwest corner of Missouri. A part of the preamble of the treaty stated that the Cherokees were "resting also upon the pledges given them by the President of the United States, and the Secretary of War, of March, 1818, and 8th October, 1821, in regard to the outlet to the West." By the treaty the United States guaranteed to the Cherokee nation "a perpetual outlet, West," and a free and unmolested use of all

[15] See Royce, *Indian Land Cessions*, map 6, no. 143.

[16] Thos. L. McKinney to Sec. of War, March 26, 1827, *H. Documents, loc. cit.*, pp. 27-29.

[17] The memorial and an extract of the Cherokee communication are in *ibid.*, pp. 29-37.

[18] Treaty of May 6, 1828, 7 *Statutes*, 311; Kappler ii, 288. The treaty provided that whenever the Cherokees might wish to lay off their lands, and own them individually, a surveyor should be sent to make the surveys at the cost of the United States.

[19] Compare this treaty with that of 1817. The Western Cherokees acquired no exclusive title to the territory ceded in the treaty of 1828, but the same was intended for the use of, and to be the home for, the whole nation, including as well that portion then east as that portion then west of the Mississippi.

the country lying west of the seven million acre tract and as far west as the sovereignty of the United States and their right of soil extended.[20] In exchange for these provisions the Cherokees agreed to give up and surrender to the United States all the lands to which they were entitled in Arkansas, and which were secured to them by the treaty of 1817 and the convention of February 27, 1819. In the history of the lands of Oklahoma Territory there are few matters more difficult to untangle than the question of the Cherokee title to the Outlet. Some students of the subject found its origin in documents relative to Lovely's Purchase. Others have been content to begin with the treaty of 1828. In their view by the conclusion of that treaty former things were passed away; and all things were made new.

Although western lands had been provided for the Choctaws, Creeks, and Cherokees, it was not until 1828 or 1830 that Congress adopted the formal policy of concentrating Indians in the western part of the United States.[21] By an act[22] of May 28, 1830, the President was authorized to cause so much of any territory belonging to the United States, west of the Mississippi River, not included in any State or organized territory, and to which the Indian title had been extinguished, as he might judge necessary, to be divided into a suitable number of districts for the reception of such tribes or nations of Indians as might choose to exchange the lands where they then resided, and remove there; and to cause each of such districts to be so described by natural or artificial marks, as to be easily distinguished from each other.

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[20] This language deserves critical examination. It would seem that the provision guaranteeing to the Cherokees "a free and unmolested use" of the country would include the right to use the same for an outlet west.

[21] F. L. Paxson, *History of the American Frontier*, 1763-1893, Ch. xxxi, "The Permanent Indian Frontier, 1825-1841." An illustrative map is included.

[22] 4 *Statutes*, 411. In regard to the passage of the act, see Annie H. Abel, "The History of Events Resulting in Indian Consolidation West of the Mississippi River," Amer. Hist. Assn., *Annual Report*, 1906, vol. i, pp. 378-381. See also the report of the Com. Ind. Aff., Dec. 1, 1836, *H. Documents*, 24 Cong. 2 sess., i(301), no. 2, pp. 370-373.

It should be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians then residing within the limits of any of the States or Territories, and with which the United States had existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the States or Territories, where the land claimed and occupied by the Indians, was owned by the United States, or the United States were bound to the State within which it lay to extinguish the Indian claim thereto. It should be lawful for the President, in the making of such exchange or exchanges, to assure the tribe or nation with which the exchange was made, that the United States would forever secure and guarantee to them, and their heirs or successors, the country so exchanged with them; and if they should prefer it[23] that the United States would cause a patent or grant to be made and executed to them for the same. It was provided that such lands should revert to the United States, if the Indians became extinct, or abandoned the same. It was declared lawful for the President to cause tribes or nations who should emigrate to the said districts to be protected, at their new residence, against all interruption or disturbance from other Indians, or from any other persons. Indian Territory comprised a remaining portion of lands originally granted to, or reserved for, the use of certain Indian tribes, and constituted a division of country set apart for the removal thereto of Indians from other localities.

In ratifying the Cherokee treaty of 1828 the Senate appended to it a proviso stating that the same should not be construed as to extend the northern boundary of the perpetual outlet west, north of the thirty-sixth degree of north latitude, or so as to interfere with the lands assigned, or to be assigned west of the Mississippi, to the Creek Indians under the provisions of any treaty already

[23] It is clear from the language used in the act that a patent was not deemed necessary to vest rights acquired by any tribe in an exchange of lands. The act did not state that the estate ceded should be in fee-simple, or of higher dignity than that exchanged.

concluded with them. By the treaty of January 24, 1826, the Creeks had the right to select and did select for themselves a part of the country which the treaty of 1828 assigned to the Cherokees. In a treaty[24] concluded with the Western Cherokees February 14, 1833, the seven million acre tract was again defined by boundaries. In addition to the tract the United States further guaranteed to the Cherokee nation a perpetual outlet west and a free and unmolested use of all the country lying west of the said tract, as far west as the sovereignty of the United States and their right of soil extended. It was provided that if "the saline, or salt plain"[25] should fall within the limits prescribed for the outlet, the right was reserved to the United States to permit other tribes of red men, to get salt on the plain in common with the Cherokees.[26] According to the treaty, letters patent should be issued by the United States as soon as practicable for the lands guaranteed thereby. In article two the Cherokee nation relinquished and quitclaimed to the United States all right, interest and title which they had claimed to have in and to all the lands ceded to them in the treaty of 1828, and not embraced within the limits or boundaries fixed by "this present supplementary treaty or articles of convention and agreement."

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24 7 *Statutes*, 414; Kappler ii, 385. Foreman, *Pioneer Days*, p. 210.

25 Within the limits prescribed for the outlet are three salt plains. On the Salt Fork of the Arkansas, four miles east of Cherokee, is the Alfalfa County Salt Plain. It is elliptical in shape and covers approximately sixty square miles. This is the largest of the Oklahoma Salt plains but it has no large salt springs at its surface. The Big Salt Plain of the Cimarron is about thirty miles west of Alva. It is of considerable historical importance because of rock salt available there. The Little Salt Plain of the Cimarron is just south of the Kansas line. In his report for 1898 Governor Barnes said: "On the great saline reservations in Woods and Woodward counties there are many places where for miles the ground is covered with salt, stretching in a dazzling, blinding whiteness as far as the eye can see, and for generations the Indian tribes of the West have been making pilgrimages to these lands to secure a supply of salt. Pure salt can be shoveled up with a scoop shovel at many places." *H. Documents*, 55 Cong. 3 sess., xvi(3758), p. 704.

Within the tract of country secured to the Creeks in 1883, just south of the Outlet and four miles west of Ferguson, is the Blaine County Salt Plain. Other salt areas of Oklahoma are for this study less important. There is a sketch map showing the location of salt plains in Oklahoma, in *U. S. Geol. Survey Bull.* 669, p. 127 (1919). See also C. N. Gould, "Salt," *Okla. Geol. Survey Bull.* 6, pp. 68-71 (1910); L. C. Snider, "The Salt Plains of Oklahoma," *ibid.*, Bull. 11, pp. 202-204 (1913).

26 In this way the treaty was like that the United States made on the same day with the Creeks who made the same concession should the salt "plains" fall within their lands. Kappler ii, 388.

The seven million acre tract was bounded on the west by the Creek country, on the south by the Canadian and Arkansas Rivers, and on the east by the present west boundary of Arkansas, the southwest corner of Missouri and the Grand River. From a point on the Grand River about two and one half miles north of the present north boundary of Oklahoma, the north boundary of the Cherokee country extended due west to the one hundredth meridian.[27] The outlet was a rectangular tract, bounded on the west by the one hundredth meridian and on the south by the Creek country. The dividing line between the outlet and the seven million acre tract is not easy to determine. The outlet established in 1833 scarcely extended east of the ninety-seventh meridian; in later years, however, the term "Cherokee Outlet" was loosely applied to all the Cherokee lands west of the ninety-sixth meridian and south of Kansas.[28] Enough appears in the Cherokee treaties of 1828 and 1833 to show that it was the policy of the government to induce the Cherokees, resident in any of the States or organized Territories, to surrender their lands and possessions to the United States, and emigrate and settle in the territory provided for them in the two treaties.

By an unratified treaty[29] of June 19, 1834 entered into by John H. Eaton on the part of the United States and four delegates of the Eastern Cherokees, it was agreed that the Cherokee nation should cede to the United States all the lands owned and possessed by them in Georgia, North Carolina, Tennessee and Alabama. It was further agreed that, to satisfy the Cherokee people who enter-

[27] The Oklahoma Panhandle is west of the one hundredth meridian, and became a part of the United States as a result of the annexation of Texas and the war with Mexico.

[28] See *Indian Affairs*, 1883, p. lii; 27 *Statutes*, 641. The term "Outlet" was sometimes confusing. In a letter to the Secretary of the Interior on Jan. 26, 1892 Commissioner T. J. Morgan observed that the western boundary of the seven million acre tract had not been ascertained, so that "no man knows to this day where the 'home' ceases and the 'outlet' begins," *S. Ex. Docs.*, 52 Cong. 1 sess., v(2900) no. 63, p. 15.

[29] The proposed treaty and supplement thereto are in *H. Documents*, 24 Cong. 1 sess., vii (292), no. 286, pp. 133-140.

tained and expressed doubts if the country west, already possessed, and which should be patented to them, was adequate to the wants and probable necessities of the whole nation, that a rectangular tract of land containing about 800,000 acres and located in the southeast corner of the present State of Kansas[30] should be added to "the large and extensive country" already secured to the Cherokees. The 800,000 acre tract was bounded on the west by the Osage reservation. Should it be satisfactorily ascertained, after the removal of the Cherokees to their western homes, that, in extent and quality, the country ceded to them for agricultural purposes was inadequate to their wants and necessities, then the United States, according to the proposed treaty, promised to use their endeavors to procure from the Osage Indians, along their southern boundary, a cession of such of their lands as might be sufficient to furnish a comfortable and satisfactory home for the Cherokee people; and if the United States should prove successful in the negotiation, the same should be assigned by patent to the Cherokees; and thereupon, if desired by the United States the Cherokee nation would surrender all the claim they had to an equal quantity of lands in the extreme western part of the Outlet. Certain lands in the above cession, already granted by treaty to the Senecas, Shawnees, and Quapaws should be reserved and excepted. But these tribes, if consented to by them and the Cherokees residing to the west, might become members of the Cherokee nation, in which case all the lands of the nation should be considered as being held in common. By a supplement to the proposed treaty executed June 23, it was agreed that the United States would approve an arrangement whereby the Cherokees might acquire a portion of the Osage reservation, should the Cherokees and Osages come to an agreement on the matter. The proposed treaty was presented to the Senate, but was not ratified by that body.[31]

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[30] Royce, *Indian Land Cessions*, map 27, no. 490.
[31] Abel, "*Indian Consolidation*," p. 403.

The next winter rival delegations of the Eastern Cherokees, one headed by John Ross and the other by John Ridge, were in Washington. In a memorandum[32] dated February 28, 1835 Lewis Cass, Secretary of War, stated that John F. Schermerhorn and the Ridge party had come to a general understanding in an arrangement by which the United States, among other things, should grant to the Cherokees the "entire property" of the Outlet, or about six million acres for their unconditional use. The articles of a proposed treaty were agreed upon March 14 between Schermerhorn and the Ridge party.[33] The articles were to be considered merely as propositions to be made and explained to the Cherokee people who were to be assembled at New Echota; and if a majority of the people should appear to be in favor of the proposed treaty it should be considered as approved and confirmed by the Cherokee nation.

Although the Cherokee people in full council rejected the proposed treaty,[34] it deserves consideration because of the construction placed upon the language of the articles regarding western lands. The provisions of the Cherokee treaty of 1833 describing the seven million acre tract and the Outlet and guaranteeing and securing the same to the Cherokee nation, together with the provision regarding the salt plain were incorporated in article three of the proposed treaty. Since it was apprehended by the Cherokees that in the cession of 1833 there was not contained a sufficient quantity of land for the accommodation of the whole nation, on their removal west of the Mississippi, the United States, therefore, covenanted and agreed to convey to the said Indians, and their descendants, by patent, in fee simple the additional 800,000 acre tract of country described in the unratified treaty of 1834. By the fourth article the United States also agreed that "the lands above

[32] The memorandum was delivered to Senator John P. King of Georgia, Feb. 28, 1835. President Jackson had already approved the course set forth therein. The memorandum is in *S. Documents*, 25 Cong. 2 sess., ii(315), no. 120, pp. 97-100.

[33] The proposed treaty dated March 14, 1835, is in Kappler ii, 1041-1047.

[34] Royce, "Cherokee Nation," p. 280.

ceded by the treaty of February 14, 1833, including the outlet and those ceded by this treaty"[35] should be included in one patent, to be executed to the Cherokee nation, by the President, according to the provisions of the act of May 28, 1830. Other provisions of the proposed treaty stated that the United States should always have the right to establish such post and military roads, and forts, in any part of the Cherokee country, as they might deem proper for the interest and protection of the same. The United States covenanted and agreed that the lands to be included in the patent should in no future time, without the consent of the Cherokee nation, be included within the territorial limits or jurisdiction of any State or Territory. The Cherokees should also be protected against all interruption and intrusion from unauthorized citizens of the United States who might attempt to settle in the country without their consent. By the proposed treaty they ceded, relinquished, and conveyed their lands east of the Mississippi to the United States.

In a communication[36] to the Eastern Cherokees on March 16, President Jackson said that among other things the proposed treaty provided for an addition to the country already assigned to them west of the Mississippi, "and for the conveyance of the whole of it, by patent, in fee simple." Furthermore his construction of the language used in the proposed treaty entitled the Cherokees to the right of permanent residence on the lands of the Outlet. He

[35] The words quoted were included in the treaty of December 29, 1835, proclaimed on May 23 of the next year. The Cherokees later claimed that by this treaty they were pledged the Outlet as land and not as the use of land. If the mere word "cede" conveys an absolute and complete title to lands, and the Supreme Court held that it did as used in the Choctaw and Chickasaw treaty of 1866, it would appear that the Cherokees acquired such a title to the Outlet; United States v. Choctaw and Chickasaw nations, 179 U. S. 494; 538. See also the construction suggested by Secretary John W. Noble, Feb. 13, 1892, in *S. Ex. Docs., loc. cit.*, no. 63, p. 7.

No technical advantage of language should be taken of Indians in the construction of treaties. In 1832 the Supreme Court said in the case of Worcester v. Georgia: "The language used in treaties with the Indians should never be construed to their prejudice. If words be made use of which are susceptible of a more extended meaning than their plain import, as connected with the tenor of the treaty, they should be considered as used only in the latter sense. . . . How the words of the treaty were understood by this unlettered people, rather than their critical meaning, should form the rule of construction." 6 Peters 515; 582.

[36] The communication, dated March 16, 1835, is in *H. Documents, loc. cit.*, pp. 40-43.

said that there were "thirteen millions of acres conveyed to the western Cherokees and yourselves by former treaties, and which are destined for your and their permanent residence; so that your whole country, west of the Mississippi, will contain not less than thirteen millions eight hundred thousand acres." In regard to the patent provided for in the proposed treaty, Schermerhorn, a commissioner of the United States, explained in a talk to the Cherokees[37] that they would hold all their lands west of the Mississippi by the same title that the white man held his lands, as long as they existed as a "State," and resided upon the lands. He concluded a treaty at New Echota with certain Eastern Cherokees on December 29.[38] The provisions regarding western lands in the rejected treaty of March 14 were written into the new treaty with no verbal change of importance so far as title was concerned.[39]

On July 5, 1836, Commissioner C. A. Harris of the Office of Indian Affairs appointed and instructed Isaac M. McCoy to cause the surveys of the lands ceded to the Cherokees by the treaty to be completed and to supply every deficiency connected with the subject at that time to prevent the issuing of a patent.[40] On September 20, 1837 McCoy reported that the lands had been surveyed in two distinct tracts.[41] The seven million acre district and the Outlet constituted the southern tract which was found to contain 13,574,-

[37] On July 20, 1835, Schermerhorn delivered the talk at a council convened at Running Water Council Ground. It is incorporated in his letter to Com. Herring, Aug. 3, 1835, *S. Documents, loc. cit.*, pp. 450-462.

[38] Treaty of Dec. 29, 1835, 7 *Statutes*, 478; Kappler ii, 439-449. The journal of the proceedings of the council from December 21-30, is in *S. Documents, loc. cit.*, pp. 513-517. General William Carroll signed the treaty although he did not attend the council. On December 31, two delegates from the Western Cherokees signed the treaty. Dr. Abel has observed that as a nation the Cherokees never consented to the treaty; "Indian Consolidation," p. 404. Six thousand Cherokees or about one-fourth of the tribe had removed to the west of the Mississippi; see census of Indian tribes reported in 1836, *Register of Debates in Congress*, 24 Cong. 1 sess., Appendix p. 98.

[39] The Treaty of December 29, 1835 stated that the consideration for the 800,000 acre tract, afterwards known as the Cherokee Neutral Lands, should be a half million dollars.

[40] Harris to McCoy, *S. Documents, loc. cit.*, pp. 144-145.

[41] McCoy to Harris, *ibid.*, pp. 950-952. The plat is dated September 20, 1837 and shows both tracts. It is in O I A., tube 418, map 102; and in *S. Documents, loc cit.*, p. 952. Let it be said once for all that surveys of large tracts of land seldom net the same number of acres. The acreage is only approximate.

135.14 acres. To this area there was added the 800,000 acres in the northern tract, or the Cherokee Neutral Lands, making a grand total of 14,374,135.14 acres.

On July 12, 1838, the Eastern and Western Cherokees adopted an act of union[42] in which it was solemnly and mutually agreed to form themselves into a body politic, under the title of the Cherokee nation. The act provided that all rights and titles to any public lands held by the Cherokees should be vested entire and unimpaired in the said nation as constituted by the union. On December 31 a patent,[43] signed by President Van Buren, was issued to the Cherokee nation conveying the lands secured and guaranteed by the treaties of 1828, 1833, and 1835. According to the patent the United States gave and granted unto the said nation, the two tracts of land as surveyed under the direction of McCoy, to have and to hold the same, together with the rights, privileges and appurtenances thereto belonging to the said nation forever; subject, however to the right of the United States to permit other tribes of red men to get salt on the salt plain; and subject also to all other rights reserved to the United States, in and by articles two and three of the treaty of 1835; and subject also to the condition provided by the act of Congress of May 28, 1830, which condition was that the lands thereby granted should revert to the United States, if the Cherokee nation should become extinct, or abandon the same.

A treaty concluded August 6, 1846, stated that the lands then occupied by the Cherokee nation should be secured to the whole

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[42] The act is in 40 C. Cls. pp. 271-272; and in the appendix of *S. Reports*, 49 Cong. 1 sess., ix(2363), no. 1278, pt. ii, p. 257.

[43] The record of the patent, dated December 31, 1838, is in the Gen. Land Office, *Miscellaneous*, vol. 470, *Donation*, vol. 9, pp. 34-41; it is printed in the *Cong. Record*, 50 Cong. 2 sess., pp. 2598-2599.

In a message to the Cherokee Senate and Council November 4, 1885 Principal Chief D. W. Bushyhead said of the Cherokee title by patent in fee: "It is a bulwark of landed right that is depended upon by every landholder in the civilized world as able to withstand every assault except an invasion of the Huns and Goths. The bare suspicion that the title does not make the holder absolutely safe would be enough to convulse the continent from one ocean to the other." O I A., *Misc. Documents*, p. 34735.

Cherokee people for their common use and benefit;[44] and that a patent should be issued for the same, including the 800,000 acres purchased, together with "the outlet west promised by the United States," in conformity with the provisions relating thereto, contained in the treaty of 1835 and in the act of Congress of May 28, 1830. The Old Settlers released and quitclaimed to the United States all right, title, interest or claim they might have to exclusive ownership to "the lands ceded[45] to them by the treaty of 1833 west of the Mississippi, including the outlet west," and consented and agreed that the said lands, together with the 800,000 acres ceded to the Cherokees by the treaty of 1835, should be and remain the common property of the whole Cherokee people, themselves included. The patent referred to in the treaty was not issued. In later years it was claimed that the treaty of 1846 pledged anew to the Cherokees a fee simple title to lands including the outlet.

The Cherokees on July 19, 1866, concluded with the United States their last ratified treaty.[46] The treaty dealt a staggering blow to the Cherokee title on both sides of the ninety-sixth meridian.[47]

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[44] 9 *Statutes,* 871; Kappler ii, 561-565. The purpose of the treaty was to allay serious dissension among the tribe. The Cherokees were represented by delegations from the Government Party, the Treaty Party, and the Old Settlers. The Cherokees who voluntarily removed west of the Mississippi prior to the treaty of 1835 were known as "Western Cherokees" or "Old Settlers"; United States v. Cherokee Nation, 202 U. S. 124. In regard to the three parties see Royce, "Cherokee Nation," p. 292 sqq.

[45] The word "ceded" appeared no less than three times in the body of the treaty of 1833. While the treaty did not state that the lands in the outlet west were ceded to the Cherokee nation, the language used might have meant that they were ceded.

[46] 14 *Statutes,* 799; Kappler ii, 942. A supplemental article to the treaty was concluded and ratified in 1868.

[47] An understanding of how the Cherokees disposed of the Outlet requires an examination of article fifteen of the treaty, although the lands therein referred to were east of the ninety-sixth meridian. This article was a weapon with which the Cherokees were threatened when they tenaciously held to the Outlet.

The article follows: "The United States may settle any civilized Indians, friendly with the Cherokees and adjacent tribes, within the Cherokee country, on unoccupied lands east of 96°, on such terms as may be agreed upon by any such tribe and the Cherokees, subject to the approval of the President of the United States, which shall be consistent with the following provisions, viz: Should any such tribe or band of Indians settling in said country abandon their tribal organization, there being first paid into the Cherokee national fund a sum of money which shall sustain the same proportion to the then existing national fund that the number of Indians sustain to the whole number of Cherokees then residing in the Cherokee country, they shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal

So far as the Outlet was concerned, article sixteen, composed of three sentences, was the most important part of the treaty. In later years when valuable interests were involved, every word of the article was examined and re-examined in an effort to apply every possible construction.

Article sixteen reads: "The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their numbers in severalty as the United States may decide. Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the

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terms in every respect with native citizens. And should any such tribe, thus settling in said country, decide to preserve their tribal organizations, and to maintain their tribal laws, customs, and usages, not inconsistent with the constitution and laws of the Cherokee Nation, they shall have a district of country set off for their use by metes and bounds equal to one hundred and sixty acres, if they should so decide, for each man, woman, and child of said tribe, and shall pay for the same into the national fund such price as may be agreed on by them and the Cherokee Nation, subject to the approval of the President of the United States, and in cases of disagreement the price to be fixed by the President.

"And the said tribe thus settled shall also pay into the national fund a sum of money, to be agreed on by the respective parties, not greater in proportion to the whole existing national fund and the probable proceeds of the lands herein ceded or authorized to be ceded or sold than their numbers bear to the whole number of Cherokees then residing in said country, and thence afterwards they shall enjoy all the rights of native Cherokees. But no Indians who have no tribal organizations, or who shall determine to abandon their tribal organizations, shall be permitted to settle east of the 96° of longitude without the consent of the Cherokee national council, or of a delegation duly appointed by it, being first obtained. And no Indians who have and determine to preserve their tribal organizations shall be permitted to settle, as herein provided, east of the 96° of longitude without such consent being first obtained, unless the President of the United States, after a full hearing of the objections offered by said council or delegation to such settlement, shall determine that the objections are insufficient, in which case he may authorize the settlement of such tribe east of the 96° of longitude."

In 1890 David Jerome observed that article fifteen might prove an important advantage to the government in settling "this vexed question" of how to get along with the Indian title in the Indian Territory. Proceedings of the councils the Cherokee Commission held with the Cherokees, Dec. 11, 1890, p. 63, O I A., Irregular Shaped Papers, Drawer 8.

President. The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied."

It will be observed that the Cherokee country west of the ninety-sixth meridian included about 8,000,000 acres, about 2,000,000 acres of which were sliced from the home reservation, or from the 7,000,000 acre district. Article sixteen provided for the conveyance of the land in fee simple to Indian tribes, but did not specify *by whom* it should be conveyed. The last four words of the article deserve scrutiny. The words "thus sold" apparently refer to the words "paid for" used in the preceding sentence.[48] If the Cherokees had a fee simple title to the Outlet prior to the treaty of 1866, which they appear to have had, the title remained in them until conveyed by them as provided for in the treaty, or otherwise. By the treaty the United States was made the agent of the Cherokees for the sale and disposition of the lands. It seems to have been a condition generally accepted that the Cherokees were *occupying* the lands of the Outlet; the patent of 1838 had specified that lands granted to the Cherokees should revert to the United States if the Cherokee nation *abandoned* the same.

According to the treaty, if the United States settled Indians on unoccupied lands east of the ninety-sixth meridian they were to be both "civilized" and "friendly," but the latter requirement alone sufficed for those settled west of that line. By article seventeen the Cherokee nation ceded, in trust to the United States the Cherokee Neutral Lands and the Cherokee Strip in Kansas,[49] and consented

[48] Secretaries Teller and Noble and Chief Joel B. Mayes were agreed upon this construction. See *S. Ex. Docs.*, 48 Cong. 2 sess., i(2261), no. 17, p. 5; *S. Ex. Docs.*, 51 Cong. 1 sess., ix(2686), no. 78, p. 11; Mayes to Com. Ind. Aff., July 23, 1889, O I A., 6227 Ind. Div. 1889.

[49] This strip of land about two and one half miles wide, and extending eastward from the one hundredth meridian along the present north boundary of Oklahoma, has already been mentioned. An act of May 11, 1872 provided that the lands of this strip, with the approval of the Cherokees, should be surveyed under the direction of the commissioner of the general land office, in the same manner as the

that the lands therein might be included in the limits and jurisdiction of Kansas. Provisions were made whereby the lands, under the authority of the United States, might be surveyed, appraised, and sold for cash. The United States guaranteed to the people of the Cherokee nation the quiet and peaceable possession of their country and protection against domestic feuds and hostilities of other tribes. A provision destined to disappoint the Cherokees, bring annoyance to the government and grief to intruders, stated that the Cherokees should be protected against interruptions or intrusions from all unauthorized citizens of the United States who might attempt to settle on their lands or reside in their territory.

At Washington on July 9, 1868, Commissioner Nathaniel G. Taylor, representing the United States, and a duly authorized delegation of Cherokees concluded twenty-one articles of agreement and convention[50] supplemental to the Cherokee treaty of 1866. The articles never reached the stage of ratification. The preamble recognized that many of the provisions of the treaty of 1866 were "so obscure and ambiguous as to render their true interest and meaning, on important points, difficult to define and impossible to execute."

Article two described the tract of land south of the thirty-seventh parallel, now known as the Oklahoma Panhandle, and included the tract within the boundaries of the Cherokee country. In the next article it was stipulated and agreed that the United States should pay to the Cherokee nation for their domain west of the ninety-sixth meridian and south of the thirty-seventh parallel, for the purpose of settling friendly Indians thereon, and for the Cherokee Strip in Kansas, containing altogether about 13,768,-

public lands of the United States were surveyed, and should be by him offered for sale under certain provisions and restrictions of that act. 17 *Statutes*, 98. The lands were subsequently sold to settlers. See *Ann. Rpt., Sec. Int.* 1876, 44 Cong. 2 sess., IV, i(1749), pp. 22-24. Hereafter the term "Cherokee Outlet" or "Outlet" will be understood to exclude any part of the Cherokee Strip in Kansas unless otherwise specified; nor shall any part of the said strip be regarded as Cherokee lands west of the ninety-sixth meridian unless specified as such.

[50] The articles are in O I A, *Record of Treaties*, No. 2, pp. 402-418.

000 acres, the sum of $3,500,000; in further consideration of which sum the Cherokee nation relinquished to the United States all its right and interest in and to "that portion of the Cherokee 'outlet' embraced within the Pan Handle of Texas, containing about 3,000,-000 acres, and that portion within New Mexico and Colorado." A proviso added that the Cherokees should reserve all salines on the lands, "herein ceded" west of the Arkansas, east of the ninety- ninth meridian and south of Kansas, with right of way to and from the same in all directions, together with the free use of wood, coal and other facilities requisite for the development of said salines and for the manufacture of salt therefrom, and also the right of exporting and disposing of said salt free from taxation.

It was provided that Cherokee lands, not within the limits of any organized State or Territory should be occupied, United States employees excepted, by Indians only; provided that no Cherokee should settle on any of said lands, if assigned to other Indians, without first obtaining the consent of said Indians; provided also that the price of any of said lands which any Cherokee might purchase should be ascertained by the appraisement of said land at its relative value; and that such Cherokees as had made improvements on said lands should have the right to remain thereon, or should be paid the value of such improvements as he or she might elect. No Indians other than Cherokees should be permitted to settle in the Cherokee country east of the ninety-sixth meridian unless first admitted to citizenship by the Cherokee National Council.

Of peculiar importance was the language used in article twenty-one. The article provided that "all the lands embraced within the limits of the Cherokee Nation as defined in Article 2 of this treaty and not otherwise disposed of, shall be forever secured to the Cherokee people in *fee simple,* for their common use and benefit until such time as the National Council shall determine to have the same surveyed and allotted in severalty."

Commissioner E. S. Parker in a letter to the Secretary of the Interior on January 21, 1870, recommended the ratification of the treaty. Parker wrote: "The Eastern Cherokees by resolution adopted in general council Dec. 21, 1869, withdrew all opposition to the pending treaty and recommended its ratification. I therefore respectfully recommend the ratification of this treaty. If the Senate should think it advisable an amendment can be made to the effect that while the United States provide for the relinquishment by the Cherokees of their claims to land, it is done without the same being recognized and acknowledged by the government in every particular as claimed by the Indians." Parker's recommendation did not result in ratification of the treaty. And after March 3, 1871 no Indian nation or tribe within the territory of the United States was acknowledged or recognized as an independent nation, tribe, or power with whom the United States might contract by treaty.

It has been explained how the Cherokees acquired in the Outlet an interest, a claim or title, the nature of which was a complicated matter.

—Berlin B. Chapman.

Fairmont State College,
West Virginia.

AN INDIAN RAID INTO TEXAS

This is the story of 4 Kiowa raiders: A-to-tain, Komah-ty, Amanty, and Podosay (Mexican captive).

In the spring before the massacre of Warren Wagon train,[2] These 4 men went to raid in Texas somewhere the place they call timber mountain perhaps south and west of Graham Texas. near or before they got to the settlement they packed away their saddle and other equipment except their Ropes and briddles, shields and other necessary things that they might need. They wanted to take one horse with a saddles to use the horse for a pack. of course the poor pony of Podosay was to be use, or all of his outfit. And after hoble their horses and so they started out for there Journey. The plan was to travel only at night. they started for south travel until daylight. they stoped in a good hiding place in order for their safty hiding. they throw the pony down and hog tied him and poor anamil has to suffer by lying down making suffer noise all day. by dark they on tied him and poor pony would be so hungry and thirsty. they let it graze a while and water him, and they started on to their Journey. and come to day light they thoro they pony down again to let him lay These men would eat of what food they have with them and travel on for several nights. their food supply began to exhausted. They would go around the settlement looking for Horses, but seem to have no luck. It is a risking of their lives when prouling around the settlement. and as they went on they began be in need of food. they began to plan to kill a beef when they would hear a bell. they would go

[1] George Hunt, whose Indian name is Set-maun-te (Bear Paw), was too young to go on the raids of the early seventies. However, he has spent his entire life listening to reminiscences of the old warriors. He learned to speak English as a child, playing with officers' children at Fort Sill. Later he attended an agency school. This story is presented exactly as he wrote it.

[2] A noted massacre which occurred in Young County, Texas, May 17, 1871.

up and they would find a yoke of oxon yoke together. two of the men wanted to kil one of the oxon but the other said we cant butcher it. if we do kil one the one yoke with him would drag him off. so they decided to leave them alone. As they were going they heard a wagon coming up the road. they decided to attack the wagon. it was about early part of the night. They expected to take the horses or the mules. so they waited on the side of the road. There were two men singing as they coming near, while the Indians were waiting with bow and arrows. and they came close. and they were driving an oxon team, singing away just as loud as they could sing. The Indians decided to withdraw of the attack. only listen to them singing away as they drove to their home. The leader said we get a good rest and after we rested up we make a long stretch to a larger mountain of heavy timber of a river. And while they laying for a rest these men heard Podosay schewing something or eating something. They thought he has some food hide by his side. They ask him of what he is eating, and search him for food, and found that he was chewing a sinue. he told them he was so hungry he would soon be eating his bow string sinue. After they were rested up they started to painted place.[3] and Just as they came near this place at day light Podosay kill a Rabbit. they thought that they would have a good breakfast. Just as they came up to a high bluff of thick timber, and down in the bottom they heard a great noise of talking. and as they pepe down they saw a large number of soldiers Just unsaddling their horses, turning them loose, like they have been traveling through the night and getting ready to camp for the day. 3 of these Kiowas were on foot while Podosay was on his pony loaded with ropes and briddles. Komah-ty and Ah-to-tain hurryly got the ropes, and while the soldiers were bussy at their camping, the two men ropes each soldiers horses that had halter

[3] Evidently this house was more pretentious than the average unpainted frontier shack.

on them, Just been unsaddled. Just about that time a soldier came up and saw that the Indians have got two horses already. the two men[4] told Podosay and Amanty to get on to the pony and go just as fast as the pony can go. so they started out ahead of the two men who got the soldiers horses. the two men had a good chance to run the whole heard off if it wasnt for the other two who are on the slow pony. the other soldiers horses started to stampede the N. E. direction. after the Indians had a good start here comes the soldiers riding bareback with only holters without their briddles. since the troop horses ran away only very few of the soldiers made the chase to the Indians. that most of them were gone after the horses. and that made it easer for the Indians but not easy at all. the two who are riding one poney are Amanty and Podosay while Ah-to-tain is whiping their poney trying to make it go faster. the three men Komah-ty, Amanty and Podosay are spiritualy unconscious over the excitement. never even thought of their bows and arrows. As the soldiers were overtaking them getting near and nearer to the shooting range Ah-to-tain said to Komah-ty, I go on to the thick timber grove and get ready for our defend. so he started out head of us.[5] He dismonted and tied the horse and began to strip off all his cloth.[6] and ready to shoot he had a repeater rifle. before we got to the place where he was the soldier began to shooting at us the whistling of the bullets over our heads and in front the dust fly where it hits the ground We got to the place where our leader was. and saw him of his strip off clothes. We tied our horses. got behind the trees. white soldiers are peeling the barks off the trees with bulletts. At this point Amanty being a young man of about 16 years old, he said he never new what a prayer means. He had never prayered before in his life and at this very time he made his prayer. He said now listen to me my God the ten medicine idols of the Kiowas, if our

[4] That is, Ah-to-tain and Komah-ty.

[5] George Hunt here is so much a participant that he drops into the first person.

[6] A peculiar Kiowa custom. When a warrior was in a desperate situation he stripped off his clothing.

lives are spare, by your help of our protection, I shall offer you a sweat lodge for a certain. one running on one tree to another during this time. Komah-ty strip offen his clothes, call the names of Amanty and Podosay say to get bussy with their bow and arrows. it awoke them up. for Podosay was lying down on the ground with his quiver on his back[7]. now the two warriors began to strip off their clothes and string up their bow and arrows. White Cow Bird (Ah-to-tain) call out to Komah-ty said that their be up against it now, the two shells stuck in the barrel of his gun. Komah-ty saw that he has tick rods[8] tied to his back. so he told him to get it out with the stick and as soon as he get the cartarage out, now he got his gun in shape to shoot. Just about this time one soldier, got straps on his arm, a Sergt, riding barback shooting with the pistol. The Indian who had rifle shot at him and instantly knock him down. it through the soldier with his horse. the soldier got up started to run but fell down. and he began to warn the other soldiers. after while the firing quit down. the Indian who has the gun told the others to go and get away. and he went on shooting to the soldiers. What save the Indians was the soldiers were shooting by using only their pistol and riding barebacks with only their holter line and it was a differculty in shooting from the horses. Komah-ty said if the soldiers had saddle on with briddle reins and rifles they would all be killed. now while soldiers were bussy trying to get their man, the last one of the Indians run to where the others were waiting for him. they pick him up and started out of their dashing speed for safty, two men on each horses. al of them without clothes only the bow and arrows and ropes and briddles. they soon got away from the soldiers, but could hear the firing of the guns yet, at the place where they left. after going several miles they came by a house

[7] He was paralyzed with fear. This incident is highly amusing to the Indians. They say that after the raid Podosay bragged so much about his accomplishments as a warrior that he was insufferable. He married a Comanche woman; two years later when Mackenzie attacked the Comanche village Podosay fled in terror, leaving his wife to be killed.

[8] Stick rods; i. e., ramrods.

where some horses tied with saddles on and in front of where they were going they saw some loose horses. two of them were hoble. they got bussy, help themselves of the two that are hoble. it give the horses for Podosay and Amanty. They left Podosay pony with his old saddle for the exchange to replace of the one they killed where they had the fight with the soldiers. Now when all of them mounted they started to drive off the loose horses. Now about this time the white men that had saddle horses at the house they pass by are chasing them when overtook them two of them stop and shootin back to them, they stop chasing them. Komah-ty said they must have saw us awful looking without our clothes on. We got on our horses and follow up the other two. And we thought they quite us, but here they coming again. as they got closer, shooting at us on their fast horses. They made it so hot for us we had to give up the loose horses and get away for safty. The leader says if we hang back for the losse stock some of us might be killed. Now this time we began to recognize each others and our conscious are given back to us. We notice ourselves of being nacked, because of stripping ourselves. Now another thing we felt the blistering of legs riding bareback. we were so sore that we cant hardly ride. We pull grass and pack it on our horses for saddle blankets. but it will soon be gone for it cant hold together. We finely arrive to our headquarters, but what a time we had. we felt then we were hungry. we butchered one of our poney that we left at our headquarters and had a grand feast. our clothes and our saddle we got, but poor Podosay, the soldiers must have burn up his pony with his saddle.[9] and he was the only one from then on to suffer for blistering by riding barback. We started for our home country[10] but Oh what a tough time we had to go through and arrive home safty. Now Amanty has to build the sweat lodge for one of the 10 medicine Gods, as he believe his prayers are answered. and from that time on he has a strong faith the God he

[9] It will be remembered that all except Podosay cached their mounts at "headquarters."

[10] In what is now Kiowa County, Oklahoma.

cried to to help. But if the whites were mounted what a massacre it would be for these 4 Kiowas, there were about 10 soldiers chasing them. but they could not shoot as they would if they had their rifles, and that safe the day for these Indians. These 4 men were living until a few years ago. The leader of this raid name White Cow Bird was the last Kiowa being killed across the Texas border south of Red River, while the Kiowas were on the buffalo hunt.[11] He is the brother of Pau-ko-to-quodle, who made his revenge by kill a white man[12] near Quanah, Texas.

—Captain W. S. Nye.

Fort Sill, Oklahoma.

[11] In 1878.

[12] Joe Earle. Ah-to-tain and Komalty were noted warriors. A town in Oklahoma is named for the latter. At least a half dozen Kiowas are still living who were on the raid in which Earle was killed.

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The saga of the Cherokees, from the dawn of their arrival in the old Indian Territory down to the present, is emphatically one of constant change in their social, economic, and political lives. The influence of the adventurous white men who intermarried and cast their fortunes among the Indians was very pronounced. The mixed blood descendants of those soldiers of fortune in numerous instances achieved wealth, distinction, and leadership among the Indians and strongly influenced their tribal life. Numerous families of prominence grew up among the mixed blood Cherokee Indians. These families, while none the less proud of their Indian blood, were and are today, capable, in many instances, of tracing an ancestry back to some early white colonial ancestor of more or less renown. The intermarriage of these families provoked a sort of aristocracy in the social and intellectual life of the Cherokees and today among them are families of the highest culture and refinement. They may have been clannish to a degree, but probably inherited this trait from the Scotch with whom they were largely intermarried. The Cherokees have their "first families" and most charming they are indeed. It is worthy of note that the Cherokee Nation had no principal chief of the full blood after the days of the adoption of its constitution in 1827. Its political affairs, after that time, were managed by shrewd, mixed-blood politicians bearing white men's names and speaking the white man's language and frequently, with scarcely enough Indian blood to evidence itself in their features.

The Adair family was outstanding among the Cherokees. Two brothers, John and Edward Adair, Scotchmen whose father is reputed to have achieved much prominence in England during the reign of George III, came to America in 1770 and engaged in trading operations with the Indians and ultimately intermarried among

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the Cherokees in Tennessee.[1] John Adair married Ga-hoga, a full blood Cherokee Indian woman of the Deer clan and his son, Walter Adair, known as Black Watt, was born on December 11, 1783 and became an active character among the Cherokees. Walter Adair married Rachel Thompson, a white woman, on May 13, 1804 and died in Georgia on January 20, 1835. Rachel Thompson was born in Georgia on December 24, 1786 and died near what is today Stilwell, Oklahoma, on April 22, 1876. Nancy Adair, a daughter of Walter and Rachel Adair was born in Georgia on October 7, 1808, married Samuel Mayes on January 22, 1824 and died in what is today Mayes County, Oklahoma on May 28, 1876 and is buried in the old family cemetery on the Wiley Mayes place some seven miles east of Pryor, Oklahoma.

Samuel Mayes, of English-Welsh descent, was born in Tennessee on November 11, 1803. After his marriage into the Adair family, he lived in what is today Bates County, Georgia and was recognized as a member of the Cherokee tribe. He removed from Georgia to the West in 1838 with one of the earliest voluntary removal parties of the Cherokees and settled near Evansville in the Flint District in the old Indian Territory. He came west with the Adairs, the Boudinots, the Ridges, the Thompsons, and others. Among these families were prominent leaders who had been signers of the removal treaty which had provoked so much tribal dissension. Though their emigration was voluntary, it also was probably influenced by conditions which threatened the personal safety of them and their families, in the East. Samuel Mayes doubtless was of the so-called treaty party and later of the anti-Ross faction in Cherokee Nation politics. He engaged in the stock business after his removal, was quite successful, and became a large slave holder. Yielding to the pressure of the gold excitement, he joined a party of Cherokees and went to California in 1850, but remained only

[1] Starr, *History of the Cherokees*, pp. 574 and 611. The writer also is indebted to Hon. Thomas J. Harrison of Pryor, Hon. S. R. Lewis of Tulsa and to George W. Mayes of Oklahoma City for much valuable information.

a few months. In the spring of 1852, he made another journey to California, driving a herd of cattle, most of which he sold there. Upon his return a few months later, he left the residue of the herd in the West to be sold by his son Francis, who remained in California. The son sold the cattle and with the proceeds in his pocket began the trip back to the Cherokee country, but was robbed and slain while en route. About 1857, Samuel Mayes removed to Coo-wee-scoo-wee District in what is today Mayes County, Oklahoma, where he died on December 30, 1858 and is buried in the old Adair cemetery near Salina.

Joel Bryan Mayes,[2] a son of Samuel and Nancy Mayes, was born near Carterville, Bates County, Georgia, on October 2, 1833. He came with his parents to the old Indian Territory in 1838, where he attended the tribal schools until 1851, when he enrolled at the Male Seminary at Tahlequah from which he graduated four years later. He taught school at Muddy Springs near the present town of Stilwell from 1855 to 1857 and theerafter removed to Coo-wee-scoo-wee District and engaged in the cattle business until the outbreak of the Civil War.

Records[3] disclose that Joel B. Mayes enlisted and served as a private in Company A of the 1st Cherokee Regiment in the Confederate army and on September 18, 1862, was appointed Captain and Assistant Quartermaster of the 2nd Regiment of Cherokee Mounted Volunteers, by Gen. D. H. Cooper. He was appointed Major and Brigade Quartermaster by Gen. E. K. Smith, on July

[2] O'Beirne, *The Indian Territory; Its Chiefs, Legislators and Leading Men*, p. 103. Joel Bryan Mayes was named for his cousin, Joel Mayes Bryan, who was the only son of John Bryan and Nancy (Mayes) Bryan. She was a sister of Samuel Mayes. Joel Mayes Bryan was born in Bates County, Georgia on October 2, 1809. He came to the Indian Territory in 1832 and his home, built by him in 1883, is still standing (1936) seven miles east of Stilwell, Adair County, Oklahoma. This home was purchased by John Thompson Adair in 1838 and is still in possession of the Adair family. Joel Mayes Bryan, in 1843 began operating the salt works at the old Union Mission and so continued for many years. ("Salt Works in Early Oklahoma," Grant Foreman, *Chronicles of Oklahoma*, Vol. 10, pp. 495 et seq.) Joel Mayes Bryan died on August 8, 1898 and is buried in the family cemetery on the old Bryan farm southeast of Pryor, a farm now owned and occupied by Joel Mayes Bryan, his 81 year old son.

[3] *Records* in office of Adjutant General, Washington, D. C.

13, 1864 and assigned to the 1st Indian Brigade, under Gen. Stand Waitie. He served faithfully and capably throughout the war, his name last appearing on a roster dated Mount Pleasant, Cherokee Nation, February 18, 1865. The Cherokees were somewhat divided in their sympathies during the Civil War and many of the non-combatant members of the families removed to the North or South as their sentiments inclined. The Mayes family removed to Rush County, Texas, returning to the Choctaw country in 1865 and back to the Cherokee Nation in the fall of 1867. Joel B. Mayes returned from Texas in the fall of 1865 and settled in what is today Bryan County, Oklahoma, where he remained until late in 1867 when he returned to the Cherokee country and re-engaged in the cattle business, in what is today Mayes County.

The political life of Joel B. Mayes began rather modestly as clerk of the district court of Coo-wee-scoo-wee District in 1869 which position he held until 1873, when he was elected judge of the northern circuit of the Cherokee Nation, and subsequently was re-elected. In 1881, he was appointed clerk of the citizenship court, a court which had been created by the Council to hear and dispose of claims for citizenship in the Cherokee Nation. He served for a brief period as clerk of the Council and later was elevated to the tribal supreme court and was serving as chief justice when, on August 1, 1887, he was elected chieftain of the Cherokee Nation on the Downing ticket, his opponent being Rabbit Bunch, the candidate of the National party. The campaign which preceded his election was very spirited and, after the election, some confusion arose which embarrassed the newly elected chief in assuming the reins of office. Under the Cherokee National constitution, the National Council was required to canvass the election returns, declare the result and authorize a certificate to be issued to the successful candidate. These details appeared to be necessary prerequisites to evidence an unqualified right to office. The Council, however, postponed its canvass of the election returns and finally adjourned in December without having taken the required action.

On the face of the returns it appeared that Mayes had been elected, although the Bunch followers declined to make the concession. A National party majority in the upper chamber of the Council postponed the canvass of the returns and provoked the premature adjournment. This delinquency of the Council was indefensible and left the succession to Chief Dennis W. Bushyhead, the incumbent chief, in a controversial status. The situation became tense as armed members of the rival factions began to arrive at Tahlequah. In January, 1888, armed adherents of the Downing party, in defiance of the constitutional requirements which the Council had ignored, forcibly invaded the executive offices at Tahlequah and installed Joel B. Mayes as chief. Chief Bushyhead gracefully retired, bloodshed was averted, and the political affairs of the tribe returned to a normal posture. The metropolitan press throughout the country grossly magnified the incident and editorially denounced the capacity of the Indian tribes for self government and insisted upon an immediate liquidation of the Indian tribal governments by Congress. The first overt gesture of the Federal Government indicating a stronger policy of political control was evidenced the following year when Congress established a United States Court for the Indian Territory and a year later more clearly defined and enlarged its jurisdiction. With the succeeding years tribal disintegration proceeded rapidly until the independent political status of the tribes was completely folded up.

The tenure of Joel B. Mayes as chieftain of the Cherokees was rather uneventful in so far as his necessary official activities were concerned. The Cherokee Strip cattle lease matter immediately engrossed his attention upon his induction into office. The five-year lease which Chief Bushyhead had made with the Cherokee Strip Live Stock Association in 1883 was about to expire and the company was seeking its renewal. There[4] was considerable maneu-

[4] Thoburn and Wright, *Oklahoma, State and People*, Vol. II, pp. 538-9. Joe B. Milam, "The Opening of the Cherokee Strip," *Chronicles of Oklahoma*, Vol. 9, pp. 268 et seq.

vering upon the part of the Council and numerous acts were passed only to be vetoed by the chief who insisted upon a higher annual rental than the rental which the Council seemed willing to accept. Chief Mayes controlled the situation with remarkable tact, business judgment, and integrity, and the lease was renewed to the association, late in December, 1888, for another five years but at an annual rental of $200,000 which was twice the annual rental paid under the original lease. The Cherokee Strip incident served to bring into bold relief the courage and high integrity of Chief Mayes and these elements of character dignified his course of conduct throughout his public career.

Time has no patience, history moves with incredible swiftness and things were beginning to happen during the tenure of Chief Mayes which clearly presaged the early absorption of the Cherokees into American life. The chief witnessed the opening of the first United States Court in the old Indian Territory, by Judge James M. Shackleford, at Muskogee, on April 1, 1889. This court and its successors were soon to supersede the decadent tribal courts. Later in the month, he saw the dramatic pioneer army cross the Strip to impress homestead rights upon lands in the western part of the Indian Territory, which had but recently been conveyed by the Creek tribe to the government, and the nucleus of the white man's Oklahoma Territory was formed. Preliminary gestures had already been made by the government toward the Cherokees, seeking to purchase the famous Cherokee Strip and throw it open to white settlement, as was done four years later. The old established standards of the Indian were suffering a dislocation and the "Trail of Tears" was leading to a new day.

Chief Mayes was easily reelected over George Benge, his opponent, at the tribal election of August 3, 1891, but death terminated his public service very shortly thereafter. Following a brief illness, the chief passed away on December 14, 1891, at his home in Tahlequah, where he is buried. Thomas M. Buffington, as president of

the senate, filled the vacancy occasioned by the death of Chief Mayes, until December 23rd, when the Council convened and elected C. J. Harris to fill out the unexpired term.

Chief Joel B. Mayes was a rugged character of high integrity and evidenced marked executive ability. He was a large man, standing perhaps six feet in height and weighing well over two hundred pounds, but ever erect in his carriage. The chief was a consistent Methodist and a member of the Masonic fraternity.

Chief Mayes married Martha J. Candy in the Flint District in 1855. She passed away in 1857 and is buried in the old Frank Adair cemetery just east of the Grand river and south of Salina, in Mayes County. In 1863, while in Rush County, Texas, he married Martha McNair, who died near Durant in the Choctaw country in the fall of 1866 and is buried near the mouth of Island Bayou in the old Jackson family cemetery. He married Mary Drew, nee Vann, a widow and a daughter of David and Martha (McNair) Vann, in 1869. She was born in the Saline District on June 21, 1838, educated at Fayetteville, Arkansas and the Female Seminary at Tahlequah and died on August 3, 1912 and is buried in the Fairview cemetery at Pryor, Oklahoma.

Samuel Houston Mayes,[5] a younger brother of Chief Joel B. Mayes, was born at the old Mayes homestead near the present town of Stilwell, Oklahoma, on May 11, 1845. It is of interest to know that the old rock spring house erected by Samuel Mayes, his father, in 1839 at the old home place, is still standing. Young Mayes attended the tribal schools and at the age of sixteen entered the Confederate army, in the Civil War as a private in Company K, under Capt. Benjamin F. Carter and in the 2nd Cherokee Regiment under Col. Clem Vann, and served intermittently until the war was concluded. After the war he lived for a brief time in Texas where and when he attended school for a year in Rusk County.

[5] The middle name of Samuel Houston Mayes was in tribute to the famous Sam Houston with whom his father Samuel Mayes had been acquainted back in Tennessee. Necrology;—"Samuel Houston Mayes," *Chronicles of Oklahoma*, Vol. 6, pp. 228 et seq.

In 1865, he returned to the Choctaw country where he rode the range for a couple of years. He came back to the Cherokee Nation in 1867 and engaged in the stock business.

The cattle business was beginning to assume proportions in the Southwest about this time. Vast herds of Texas long horns, being driven north to shipping points in Kansas, lingered upon the plains of the Territory. Many of the Indians became attracted to the enterprise and shared in fortunes quickly made. The Mayes brothers were very successful in the cattle business and became quite independent.

The political career of Samuel Houston Mayes began in 1880 when he was elected and served as sheriff of Coo-wee-scoo-wee District. From 1885 to 1891, he served as senator from the same district, those being the years when his illustrious brother was the tribal chief. He was elected chief of the Cherokees at the tribal election of August 5, 1895, on the Downing party ticket, defeating Robert Ross, his opponent by a substantial majority. The tenure of Samuel H. Mayes as chief was rather passive. The time for diplomacy and statecraft had passed as the government moved vigorously to close up tribal affairs. The famous Dawes Commission was created by Congress in 1893 and its powers enlarged by each succeeding Congress. The Commission was very unpopular among the rank and file of the Indians, when it was first created. The Curtis Act of June 28, 1898 left nothing to be imagined. It abolished the tribal courts, directed a survey of the tribal lands, required that tribal rolls of membership be prepared and that the surface rights of the lands of the tribe be allotted in severalty among its members. Anyone may add that up and see what was left of the independent, communal life of the First American. The Indian had never taken civilization lying down but the picture had changed. He now had too much white blood coursing through his anatomy and the government was manifesting a feeling that the Indians in the old Territory had been held in "cold storage" long enough.

The capable chief of the Cherokees easily appraised the trend of things and used his influence among his people to induce them to adjust themselves to the altered status which was rapidly approaching. The duties of his office became rather perfunctory as he was being relieved of his executive powers by the officers of the government. One term seems to have satisfied his political ambitions and he was not a candidate for reelection. At the conclusion of his term, he retired to his farm in what is today Mayes County, Oklahoma, where he lived for many years. He later built a home in Pryor where he lived in much comfort until his death on December 12, 1927. He rests in the Fairview Cemetery at Pryor, Oklahoma.

Samuel Houston Mayes married Martha Elizabeth Vann on November 9, 1871. She was born October 4, 1852 and died December 27, 1907 at Pryor, Oklahoma. Of this union three children survive: William Lucullis, of Spavinaw, Dr. Joseph Francis, of St. Louis and M. Carrie, now Mrs. Clarence Samuels, of Pryor. On February 18, 1913, he married Minnie Harrison nee Ball, a widow, who survives him and now (1936) lives at Pryor, Oklahoma. He was enrolled opposite roll No. 23497 on the approved rolls of the Cherokee Indians as evidenced by census card No. 2704.

The chief was a man of medium height and weighed about 160 pounds. He was a member of the Methodist Church and an affiliate of the Masonic orders. He possessed much political acumen and business judgment but his political career was rather overshadowed by his illustrious brother.

The two Mayes chieftains were high class, intelligent men. The quantity of their Indian blood was negligible but their fealty to the best concerns of the Cherokees, was complete. With commendable foresight they visioned the necessary closing up of tribal affairs by the government and the consequent allotment of the tribal domain in severalty. These purposes of the government met with their approval although they may have questioned some of the

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steps pursued. They recognized that the impending action of the government was for the best interests of the Cherokees and so indicated to their people. They were capable, well poised leaders and enjoyed the highest confidence and esteem of the Cherokees.

—John Bartlett Meserve.

Tulsa, Oklahoma.

THE DIARY OF AN EIGHTY-NINER

These extracts from the diary of Mr. L. F. Carroll illustrate in interesting fashion some of the events in connection with the opening of the Oklahoma Lands in 1889. Carroll, a farmer living near Newkirk, Oklahoma, came to Labette County, Kansas, from Pennsylvania. At the age of seventy-five, he is President of the Crop Improvement Association of Oklahoma. In 1926 he was designated as a Master Farmer by the Oklahoma Agricultural and Mechanical College. He holds the distinction of having made one run and of securing land in another.

"April, 1889

Tuesday 9. Washed tent done odd jobs all day

Wednesday 10. Went to town in the forenoon loaded things in wagon to start to Oklahoma and done odd chores.

Thursday 11. Loaded the wagon and started for Oklahoma Passed by Mr. Sagers got his things and got as far as Lake Creek for Dinner drove to or three miles to Coffeyville[1] and camped

Friday 12. Drove through Coffeyville down the Santa Fe R. R. grade to the Nation line[2] then down the Tulsa trail camped on a little creek the air so full of bugs where we camped had to move wagon

Saturday 13. Drove down the Trail through a good country crossed the Caney river and Hominy creek and camped below Ski-a-took on the creek

Sunday 14. Still we go through a good country ate dinner near Tulsa drove through the town and forded the Arkansas River water not up to the wagon box then to Red Fork and 5 or 6 miles down on the Cimmaron trail camped by some Indians making posts

[1] Kansas.

[2] The northern boundary between Kansas and the Cherokee Nation was the thirty-seventh parallel.

Monday 15. Passed but two houses in the morning then took up a divide for a good many miles and camped on a small creek Mr Sager caught some fish I killed a couple of Squirrels after we camped plenty of music in camp horns piccolo and other instruments has been timber mostly scrubby post and jack oak

Tuesday 16. Still traveling over a rocky and timber country by Turkey Track ranch and into the Sax and Fox country[3] saw no prairie to speak of to day camped on a small creek near the Cimmaron Riv.

Wednesday 17. Drove out of the timber upon a high prairie to a ranch on the big bend in the Cimmaron then south west through a big pasture (have been it since yesterday noon) into the Iowa reservation[4] through some timber and some prairie camped near some Chetopa folk

Thursday 18. Went by the Ioa ranch and S. W. through some fair country to Wellston and south West from ther 3 or 4 miles

Friday 19. Drove down an old trail with little travel to a Kickapoo settlement[5] on the N. Fork then up the River to the Oklahoma line went into camp early

Saturday 20. Spent all day in camp about 1 hundred wagons in sight camped here hundreds of people amusing themselves in different ways at night a party of men had a genuine Stag dance

Sunday 21. About the same as yesterday nothing new the North Fork is too high to ford

Monday 22. In camp till toward noon then drove up to the trail to take part in Harrisons Hoss race[6] as the boomers call it

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[3] The Sac and Fox Indians were brought from Kansas to their present location in Oklahoma after the Treaty of Feb. 18, 1867. They were given seven hundred and fifty square miles west of the boundaries of the new Creek Nation.

[4] The Iowa Reservation consisted of 114,209 acres. The Iowas had come in small groups from Kansas and Nebraska. In 1883 their holdings were given official recognition. By executive order they were placed on lands west of the Sac and Fox country and north of the Kickapoos, on lands of the Creek cession.

[5] The Kickapoos had gone to Mexico during the War Between the States, but had been brought back to the Indian Territory. In 1883 they were given a tract of land consisting of 114,209 acres. They were assigned lands south of the Iowas and west of the Sac and Fox.

[6] President Benjamin Harrison had issued a proclamation declaring that Oklahoma Lands should be opened for settlement on April 22, 1889 at noon. Those who complied with the terms of the President's proclamation were to be allowed to make a race to stake out a claim for a quarter section of land.

at twelve sharp they started those horse back a head light rigs next then heavy wagons last some with oxen following in the rear. Drove up the river and found good claims all taken then went across to the deep fork and along it all the best were taken camped on sec 21 Tp 13 R. 2 W. I. M.[7]

Tuesday 23. Looked all day but found nothing that suited crossed the Deep fork where there had never been a wagon across and down the R. R. to Oklahoma City left Mr Sager there to go home on the cars We camped near the City

Wednesday 24. Looked south of the North Fork and left O. K. and acrossed the Pottawatomies and camped in the Kickapoo all alone

Thursday 25. In the night an old Indian yelled us up and wanted some terbac told had none and he left on a gallop a singing as loud as he could yell came by Wellston and out of the Sax and Fox trail and hd two wagons for company at night

Friday 26. Went through an all timber country to the Sax and Fox Agency and up the Red Fork trail camped with plenty of company most of them going

Saturday 27. Drove through most all timber nothing of importance happened camped alone

Sunday 28. Came to Sepulpa the end of the Frisco R. R.[8] then to Red Fork ate dinner there had to ferry the Arkansas river then to Tulsa and up the Frisco road to Mingo

Monday 29. Came up the R. R. all day staid near Sequoyah all night all alone misted some to day

Tuesday 31. Still following the R. R. to cabin creek near Vinita there had to camp on account of high water

May

Wednesday 1. Still in camp till noon then we crossed the creek and though Vinita and up the M. K & T. R. R. to the Water station near Blue Jacket

[7] The Indian Meridian is a line surveyed north and south from a point near old Fort Arbuckle.

[8] This was formerly known as the Atlantic and Pacific Railroad.

Thursday 2. Got home about one oclock found evry thing all right I am a little out of sorts but will be better soon

Friday 3. About the house all day not well

Saturday 4. Same

Sunday 5. At home alone all day alone

Monday 6. plowed some in the garden and planted melons cucumbrs, &c"

James W. Moffitt

State Historical Society,
Oklahoma City, Oklahoma.

EARLY LIFE AMONG THE FIVE CIVILIZED TRIBES

The Cherokee, Seminole, Creek, Chickasaw, and Choctaw tribes have, since about 1875, been called the Five Civilized Tribes.[1] The fact that they are termed "civilized" gives us an incentive to know more of their early culture, their early environment, and their native capacity for growth. They have never been numerous but have held their number intact, while other, once strong tribes have broken into fragments. I have attempted to lay down here some of the basic facts of these very interesting tribes so that we may have a better understanding of their advancement, their failures, and their successes.

It is, of course, impossible to get a picture of these tribes before they were affected by white contacts. They readily adopted the white man's clothing, tools, homes, and other elements of culture. The white men were necessarily the historians. As the frontier delayed a study of Indian conditions, the Indian cultures were in a transitional state before records were made of them. The writers, who became their historians, did not write at the same periods. In fact, some groups of these Indians, as the Yuchis among the Creeks, have never had an adequate study made of them. We can only interpret the materials as we find them and hope they are adequate to give a foundation for an understanding of the later progress of the tribes.

The Five Civilized Tribes lived in the states of Mississippi, Alabama, Tennessee, Georgia, Florida, North Carolina, and South Carolina. The Choctaws occupied the region between the Tombigbee and the Mississippi in southern and central Mississippi and western Alabama. The Chickasaws, who occupied an area in northern Mississippi, had, with the aid of the Cherokees, expelled

[1] Hodge, Frederick Webb, *Handbook of American Indians*, 463-464.

the Shawnees from the Cumberland River Valley in the first half of the eighteenth century. They claimed the lands vacated by the Shawnees in West Tennessee and West Kentucky. The Chickasaws thus had their villages and cornfields in Mississippi but hunted and roamed over the lands in western Tennessee and Kentucky as far as the Ohio River. The Creeks occupied a large portion of the states of Alabama and Georgia, but had the Cherokees as their northern neighbors in both these states. The Seminoles were originally a part of the Creek tribe but, by 1775, they had separated and moved down into Nothern Florida and had come to be recognized as a separate tribe. The Cherokees were in the mountains of the lower Appalachian Highland.[2]

These tribes had been in these regions as early as the time of the De Soto expedition in 1541. De Soto passed through the lands of the Apalachee in Florida which the Seminoles were later to inhabit. From there he entered the domain of Queen Cofitichiqui, who was probably a Yuchi, in the region of the Savannah River. Next he passed into the territory of the Cherokees in Georgia, South Carolina, and possibly North Carolina. From there, the expedition passed west and south into Creek territory. If he followed the Chattahoochie, he passed through the lands of the Lower Creeks; if the Coosa, he crossesd the lands of the Upper Creeks. After he had turned toward the south, he met the Choctaws in the battle of Mauvila in the vicinity of the Mobile River, where much of his supplies and equipment was lost. He was glad to turn north and spend a winter, (1540-1541), among the Chickasaws at the principal Chickasaw village on Pontotoc Creek in present Pontotoc County, Mississippi. There the Indians divided their stores of corn with the Spaniards, who, in turn, gave the Indians their first taste of pork. The Spaniards, as was their custom, demanded of the Chickasaws tribesmen as pack bearers on the spring march. The Indians, incensed at this, surprised the Spaniards at night, killed many of them, and destroyed much of their

[2] Hodge, *Ibid.*, I, 245-8; 961-3; and 260-262; 362-365 and II, 500-502.

supplies. De Soto with his crippled expedition crossed the Mississippi early the next spring at Chickasaw Bluffs, now Memphis, which was the principal shipping point of the Chickasaws. By these contacts, De Soto had made the acquaintance of all of these tribes and barely escaped the destruction of this expedition at their hands.[3]

The tribes were at that time in approximately the same location as they maintained except that the Seminoles had not yet separated from the Creeks; and the Cherokees were somewhat further east than they remained after the struggles of the eighteenth century. Some copper was found among them, showing that interregional trade was being carried on. The Indians also had persimmons, grapes, and other fruits, and some honey. This shows that at that early date these Indians practiced considerable cultivation of the soil and preserved and utilized many of the forest products.[4]

The lands of these tribes stretched from the Gulf Coastal Plain on the south across the Piedmont Hills to the Appalachian Highlands on the north. They extended from the Mississippi River on the west to the Savannah River on the east. Great forests covered the area except for a few limestone prairies occasionally sandwiched between. Giant cane grew luxuriously in the Yazoo Delta in Mississippi and in many of the other river valleys. Nuts, fruits, and berries of many kinds grew in great profusion. The sparkling streams, unstained by the erosion that accompanies the white man's tillage, flowed throughout the year and fish of many varieties filled their waters. Bear, deer, wild turkey, and many small, edible animals lived in the forests. The climate was mild with great extremes neither of heat nor of cold. It was a fruitful land, yet with a scarcity of food products great enough to cause the primitive

[3] Mooney, James, *Myths of the Cherokees;* Winsor, Justin, *Narrative and Critical History of America,* II, 244-257; and Malone, James H., *The Chickasaw Nation,* 31-129.

[4] Mooney, *Myths of the Cherokees* 23-26; and Malone, *The Chickasaw Nation,* 34-51.

inhabitants to strive for advancement and with sufficient materials at hand to reward industry with progress.[5]

The five tribes were a unit in geographical location. This caused great similarity in the cultivation of soil, hunting, and other forms of economic life. The great amount of intercourse, found even among primitive tribes, caused many likenesses in habits of social and ceremonial life. The four Muskogean tribes had much in common as their language was very similar. Traders seemed to have had little difficulty in mastering the other three languages after they had mastered one, and the Chickasaw tongue was used as the trade language of the southeast. The Cherokees were of Iroquoian stock rather than Muskogean. They lived on the upper Coosa and Chattahoochie rivers in Georgia and Alabama; and on the upper Tennessee in Tennessee, North Carolina, and Virginia.[6]

Yet the similarity between the Cherokees and the Muskogean tribes was greater than one would at first suppose. Swanton, in writing of southeastern cultures, treats the Cherokees as marginal to the Creeks. Likewise, he finds that the Creeks and Chickasaws have a very great similarity of customs and usages. The Creek customs dominated the Seminoles although their southern location caused the latter to modify their mode of dress and of building houses. Likewise, the character of plants of Florida caused some alteration in the Indian food supply. The Choctaws, who believed themselves to have a joint origin with the Chickasaws, differed from them in many particulars. In fact, we find perhaps as many strictly Choctaw customs as we do Cherokee. In such a treatment as this we can but follow the general pattern of cultures except in those instances which present radical departures from that pattern. The object to be sought is rather a composite picture with general accuracy rather than a maze of detail.[7]

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[5] Williams (ed.), *Adair's History of the Southern Indians*, 488-497.

[6] Hodge, *Handbook of American Indians*, 245-248, 260-262, and 463-464.

[7] Swanton, John R., "Cultures of the Southeast" and "Creek Social Organization and Usage", 42 *Annual Report of the Bureau of American Ethnology*, 31-672; and Swanton, "Beliefs and Usages of the Chickasaw", 44 *Annual Report of the Bureau of American Ethnology*, 169-273.

These tribes all had migration legends which conceived them to have originated west of the Mississippi River. In these legends, the Choctaws thought of themselves as having followed a pole which either stood upright when they were to camp or rest, or leaned in the direction they were to travel. When the pole had come to rest permanently upright, they had stopped and made their home. The Creeks and Choctaws had a legend common to both in which they conceived the tribe as having issued from a hole or cave in the earth. These common legends did much to build a solidarity of groups.[8]

The separate tribes were by no means a close unit in blood, language, or ideals. Each group adopted many stray Indians who came their way and the general practice was to incorporate the younger prisoners of war into the various clans. The Seminoles incorporated many run-away negroes upon a basis somewhat intermediate between slave and free. The status in the group was fixed by the standing of the adopted persons. The adopted person, if he was capable and received on the proper plane, might even become the Chief of the tribe. If such a person married into a prominent Indian family, his children might become chiefs. Marriage alliances were often transitory and short-lived. The white men who readily found Indian mates often passed into the background of the picture, but left their half-blood progeny; and the infusion of white blood into the tribes was much greater than has been sometimes supposed. One writer phrases the matter: "Not infrequently, the captive white man waved goodby to civilization and kindred, took an Indian woman for a wife and finished nobody knows where. Many an Indian Chief's folks on his father's side wore high top boots and a white shirt." When we remember that the rite of adoption was universal among all these tribes and that they adopted most Indians who applied and began to adopt

[8] Swanton, "Social Organizations and Social Usages of the Creek Confederacy," 42 *Annual Report of the Bureau of Ethnology*, 33-75; and Debo, Angie, *Rise of the Choctaw Republic*, 1-4.

white men with early colonization, we understand that the infusion of alien blood in this way was very great.[9]

The incorporation of small groups of Indians or broken remnants of tribes was likewise very common. A legend ascribes to the Pascagoulas of South Mississippi, the desire to die rather than to fall into the hands of their victorious enemies. When the warriors of the tribe had been killed, the old men, women, and children were reputed to have joined hands on the banks of the Pascagoula River and, singing a death chant, to have marched to their death in the waters of the stream. Such legends are very interesting but actually most of such helpless groups found refuge with the neighboring tribes. A remnant of the Pascagoulas, themselves, seem to have joined either the Biloxis or the Choctaws.[10]

The Creek tribe was the most conglomerate and absorbed the greatest number of these foreign elements. The Tukabatchis were of Shawnee origin and constituted the largest foreign element in the Creek Confederacy. Opothleyohola, the great leader of the Upper Creeks, 1825-1862, was a Tukabatchi warrior. The celebrated Alexander McGillivray made his home among the Tuskegees, who were on the upper Coosa River. This group seems to have lost its own language and have taken that of the Creeks. The Hitchita was a Muskogean tribe, that early affiliated with the Creeks, whose language affected many of the early southeastern tribes and seemed to have modified the Creek language and customs. The Yuchi, a tribe of the Uchean group from the lower Savannah river, have been the most persistent in maintaining their speech and customs. While they constituted a distinct culture group, they sided with and enjoyed the protection of the Creeks in war. Although the Creeks absorbed this large number of peo-

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[9] Hodge, *Handbook of American Indians*, I, 15-16; Meserve, John Bartlett, "Chief Coleman Cole," *Chronicles of Oklahoma*, XIV, 9-12; and Swanton, "Creek Social Organization and Usage," 42 *Annuel Report of the Bureau of Ethnology*, 167.

[10] Swanton, "Creek Social Organization and Usage," 42 *Annual Report of the Bureau of American Ethnology*, 45-47; and Hodge, *Handbook of the American Indians*, I, 203, 261, 363, and II, 205 and 500.

ple, they were able to mold most of them to Creek thought and usage.[11]

The Seminoles were originally a part of the lower Creeks and were so regarded until about 1775. When the powerful Apalachee, a Muskogean tribe, was crushed in 1703 and 1704 by troops from South Carolina and their Indian allies, a large strip of territory in northern Florida was vacated. The neighboring Indians from the Lower Creek towns naturally moved into these fertile regions and were joined by the Hitchita from the same vicinity. Many Upper Creek towns with their Shawnee and Tukabatchi clans also joined them. The Yamasee, a Muskogean tribe of Georgia and Florida was crushed and broken up in the first half of the eighteenth century and a number of these Indians found their way among the Seminoles. Some of the Yuchi likewise came into Florida and settled among the Seminoles. Many other individual Indians, and perhaps unrecorded bands, found their way into Florida and settled in this composite group. The strongest and most intangible element of the Seminoles came as runaway or captive slaves from the neighboring states. The Seminoles did not place those in abject slavery but gave them an intermediate feudal basis. Some of the Negroes freely intermarried with the Seminoles and came to exercise a strong influence in tribal affairs. Florida passed into the hands of the Spanish in 1783 and to this strange admixture of Indians and Negroes came British traders and Spaniards whose influence was usually bad. The Florida Indian situation was very complex and destined to cause the United States much border trouble.[12]

The tribes were so constituted that factions within them have often disturbed the peace. The differences between the Upper and Lower Creeks have been the most persistent and troublesome.

[11] Hodge, *Handbook of the American Indians*, I, 362-365, and II, 833-853, and 1003-1007; and Swanton, "Creek Social Organization and Usage," 42 *Annual Report of the Bureau of American Ethnology*, 44-47.

[12] Hodge, *Handbook of the American Indians*, I, 67-68; and II, 500-502, 986-987 and 1003-1007; and Foreman, Grant, *Indian Removal*, 315.

As an example, the Upper Creeks joined Tecumseh in the uprising at the time of the War of 1812 and some of the Lower Creeks joined the United States in putting the uprising down. When the problem of removal came, Opothleyahola led the Upper Creeks, and General William McIntosh led the Lower. This early division has persisted and affected the entire later history of the tribe.

The Cherokees seem to have had three dialects. One of these has disappeared; one is now used largely by the Cherokees in North Carolina; and the other by the Cherokees who came to Oklahoma. Many Cherokees under the Ridge and Boudinot leadership, at the time of removal, refused to follow John Ross and formed a powerful disrupting minority for many years. The Choctaw tribe was divided into three districts. These districts were often antagonistic to each other. Greenwood LeFlore asserted his claims to the Chieftainship of the entire tribe about 1824, when the tribe was really united for the first time. Claibourne and others who made contacts with the Choctaws in southern Mississippi recorded them as shiftless and roguish, though many others who contacted the Choctaws speak of the high quality of the people. One early writer, Milfort, attempted to prove that the tribe represented two distinct culture groups. The Chickasaws seem to have had three districts with strong leaders just prior to their removal, but the divisions were not disruptive. Both the Chickasaws and Choctaws were able to reconcile their internal differences at the time of removal and did not, at that time, suffer as acutely from factionalism as did the Seminoles, Creeks, and Cherokees. Since their removal to the West, the two tribes have cooperated closely and have had many problems in common.[13]

These Indians seemed to have reached a religious belief in a Supreme Being who was found in the Heavens above, in the Sun, in the Moon, and in the sacred fires; and in a future existence with

[13] Hodge, *Handbook of the American Indians*, I, 245-248, 260-262, 288-289, and 362-364; Rowland, Dunbar, *Mississippi Territorial Archives*, I, 193-194 and 405-406; and Morton, Ohland, "The Government of the Creek Nation," *Chronicles of Oklahoma*, VIII, 42-64, and 189-225.

a place of travail in the West and a place of rewards in the East or above. The Indian, however, did not attempt to rationalize his religion, and if he believed in a Supreme Being, he likewise believed in hundreds of animal, plant, and inanimate deities to whom he prayed frequently and whom he supposed to have had a large part in ordering his life. His forests were peopled with giants and pigmies with power to help or hinder him in his actions. He utilized priests and medicine men but the actions of each were so permeated with shamanism, trickery, and deceit, that they were often more like conjurors and quacks than true religious leaders or scientific practitioners. The Indian ascribed death or disease to witchcraft or evil spirits. He put witches to death without trial and treated diseases with dances and ritualistic ceremonies. Out of this welter of beliefs we cannot construct a clear pattern of religious rites, as the Indian himself was confused and irrational. We may, however, observe a very few of his characteristic beliefs and ceremonies.[14]

The Indians made various types of sacrifices. The Indian women usually threw a piece of fat meat away as a propitiatory offering of that which was to be consumed. Sometimes a hunting party would sacrifice the whole of the first buck killed. A small piece of meat would be cut out of the thigh of each deer killed, and the trading houses claimed that all such hams of venison were so cut. Such a sacrifice, the Indians believed, would prevent evil and promote good things.[15]

The Indians had many taboos and refrained from the use of many things. Adair relates that in traveling with a party of Indians he came upon and killed a large rattlesnake. An Indian astrologer who was with the party predicted dire danger from the killing of a tabooed animal. The Indians likewise feared birds

[14] Swanton, "Beliefs and Usages of the Chickasaw," 44 *Annual Report of the Bureau of Ethnology*, 347-355; and Swanton, "Creek Religion and Medicine," 42 *Annual Report of the Bureau of Ethnology*, 477-671.

[15] Swanton, "Beliefs and Usages of the Chickasaws," 44 *Annual Report of the Bureau of Ethnology*, 252-253.

of prey and some animals of prey. The hog was not used for food at first because of its ungainly appearance. The eating of blood was especially avoided. Some of these taboos applied to persons and warriors who lived apart from women for a number of days before going on military expeditions, and for a time after returning. Sleeping on a skin was supposed to impart the qualities of the animal to the sleeper; for instance, of the panther, qualities of speed and cunning; of the buffalo calf or fawn, qualities of a shy and retiring disposition. They likewise carried certain charms of various kinds to avert disaster and promote good luck. Adair recites that the carrying of a rabbit's foot was common among the Indians and was speedily taken over by some of the white men.[16]

Witchcraft was often ascribed to some person by an accuser. The alleged witch was usually summarily dealt with by the relatives of the deceased. Sometimes wizards, conjurers, and doctors were suspected of failure to do their duty and were killed. This placed a tremendous responsibility on the ones who attempted to diagnose and cure diseases. It was not quite so risky among the Choctaws where a patient, declared by the medicine man to have no chance of recovery, was put out of his misery by strangulation. Medicines, made from plants, were used to cure disease but some must have been of doubtful efficacy.[17]

The Pishofa Ceremony of the Chickasaws was illustrative of the various means taken by the medicine men to heal the sick. The Doctor who presided was chosen by the sick man's moiety. The ceremony took place in a house with an eastern outlook. A fire was kept burning in front of the house, or one in the northeastern corner, and another in the southeastern corner. Between the door and the fires were arranged certain wands or poles with ribbons or eagle feathers attached, or sometimes small human effigies were used. These were placed in the position directed by the

[16] Swanton, *Ibid.*, 254-255.
[17] Swanton, *Ibid.*, 263-272; and Swanton, *Source Materials for the Social and Ceremonial Life of the Choctaws*, 170-194.

doctor. Four assistants saw that no other person or animal passed between the fires and the door. The patient was seated near the door with the doctor behind him. The doctor blew into herbs and drew some of the mixture into his mouth and blew it on the patient. Sometimes an emetic was given before administering the medicine. Sometimes an assistant shot arrows into the mixture. The doctor sang songs proper for each remedy and in some cases accompanied them with a gourd rattle. The house group of the patient's clan and moiety assembled and feasted until night. They then danced until daylight to propitiate the animal deities that were supposed to be responsible for the sickness. The wands were then carried beyond the ceremonial fires and thrown away in the hope of scattering the disease.[18]

The Indians buried their dead as soon after death as possible. Graves were usually dug in the floor of the hut and the body was buried there. These Indians usually turned the faces of the corpses toward the east. They used both a prostrate form of burial and a bundle burial. In the bundle burials the body was doubled up with the knees drawn close to the face. About the body were placed various articles of personal belongings and some articles of food. Sometimes the bones of warriors who had been killed in war would be collected and brought home for decent interment.[19]

The Choctaw burial customs differed very widely from the other four tribes. They placed their dead upon scaffolds where they remained until the flesh was decomposed. Professional bone pickers then separated the bones from the flesh and placed them in baskets. The baskets were placed in the town bonehouse but the scaffold was burned. When the bonehouse was full, the bones were taken out and spread upon a mound and a layer of ashes or earth laid over them. Later the Choctaws began to modify their burials with an outside burial in a grave, over which poles were

[18] Swanton, "Beliefs and Usages of the Chickasaws," 44 *Annual Report of the Bureau of Ethnology*, 257-261.

[19] Swanton, *Ibid.*, 229-255; Swanton, "Creek Social Organization and Usages," 42 *Annual Ethnology Report*, 388-392.

erected. After a considerable period of mourning, the Indians met in a great celebration, the poles were pulled from the ground, and a feast was held.[20]

In all the tribes, the relatives passed through a considerable period of mourning after a death in the group. The widows could not marry for a period up to four years among the Creeks, with exception that she might marry the brother of her former husband after the lapse of one year.[21]

Indian wars sometimes were of immense economic importance to the tribes. A good example of this was the expulsion of the Shawnees from the State of Tennessee, in the first quarter of the eighteenth century, by the combined Chickasaw and Cherokee tribes. The Cherokees were permitted to settle further west and south and both tribes enjoyed an unmolested hunting ground in Tennessee and Kentucky for many years. Then each had additional lands to cede to the United States.[22]

Indian warfare, however, was primarily social and might be regarded as institutional killing. The two main motives were to avenge fancied wrongs and to give individual warriors an opportunity to prove their mettle in combat. The leaders achieved their distinction because of their prowess and in turn were an ideal for the young warriors to follow. War became a game in which the warriors sought to secure scalps without losing their own lives. That they might live to enjoy the fruits of victory, the Indians fought by stealth and from cover. The bulk of the fighting was done by small parties of from twenty to forty men. If ill-omened birds sang or if the warriors suffered from unfavorable dreams, they might return home without loss of prestige.[23]

The period of fighting was usually in the early spring. If humiliations had been suffered, or if other conditions warranted,

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[20] Cushman, H. B., *History of the Indians*, 257-258.

[21] Swanton, "Creek Social Organization and Usage," 42 *Annual Ethnology Report*, 373-384.

[22] Mooney, *Myths of the Cherokees*, 38; and Williams, (ed.), *Adair's History of the American Indians*, 2n.

[23] Williams, (ed.), *Ibid.*, 405-416.

the Chief called a war council. After deliberation a vote was taken and, if favorable, the leaders were chosen. The leaders might secure followers but each individual was given freedom to go or stay. The assembled warriors usually spent three days in fasting and purification. During this time they did not associate with their families but went through a rigid regime of fasting, dancing, and the drinking of the black drink.[24]

The Indians carried parched corn to serve them as food when in contact with the enemy. They traveled and fought with as little clothing as the weather permitted. Sacred articles were carried for charms and to ward off ill omens. A leader and his subordinates maintained some form of organization on the march. Once on the trail of enemies, they were tireless in tracking and in deceiving their enemies. If they took a number of scalps, they were ready to return home. Such prisoners as were captured were brought with them if possible. Once the war party returned, they spent another period in a feast or fast of purification. A triumphal celebration was held over their scalps and prisoners. The older prisoners were usually tortured by fire or other cruelties. The children were generally adopted, except when all prisoners had been dedicated to death at the start of the expedition; then they were sacrificed.[25]

The Indians held many feasts and celebrations either of an annual nature or at the occurrence of certain happenings, such as that of going to, or returning from war, or at the death of a member of the tribe. The green corn dance marked the season of the return of the harvest and constituted the beginning of a new year. It was universally celebrated, although less attention was given to it among the Choctaws, more being given among the Creeks. The old fires were extinguished, and new fires were lighted and distributed to the various homes of the village.[26]

[24] Williams, (ed.), *Ibid.*, 408-409.
[25] Williams, (ed.), *Ibid.*, 405-428.
[26] Swanton, "Culture of the Southeast," 42 *Annual Report of the Bureau of Ethnology*, 707.

The Indians celebrated the feast by towns. Bundles of sticks were distributed as the feast neared. The Indians threw away one stick each day and when they were gone, met for the dance. John Howard Payne has given us a most vivid picture of the Green Corn Dance held at Tukabatchee Town, the home of Opothleyohola, the celebrated Creek chieftain, in 1835, the year of the removal of the Creeks to Indian Territory. This story, with a foreword and notes by John R. Swanton, was used to describe the celebration.[27]

The Creeks made new each year the pottery and mats used in the ceremonies. New soil was scattered over the square. Enmities were forgotten, and one under sentence for crime might steal in unobserved and when the exercise began, his crime was no longer remembered. The new fire ceremony consisted in extinguishing all the fires in the town at the same time. A square board with a hollow in the center was used in relighting the fire. Leaves and dry wood were placed on it and a stick was whirled on the board until the friction produced a flame. The leaves ignited and from them sticks were lighted and borne to every hearth of the town. The original fire was taken to the center of the square; there certain Indians appointed for the purpose brewed the black drink in the newly made pottery vessels. Each Indian present took a drink from the long handled gourds that were provided and a moment later vomited it out on the ground. The drink was supposed to purify the participants. After the rites concerning it, the green corn was brought in and the people were given permission to eat. Later a hunt was engaged in and rites concerning animal food were performed. Likewise, rites were observed in the nature of warfare but the Indians here used guns rather than bows and arrows. Payne concludes:

"I never beheld more intense devotion; and the spirit of the forms was a right and a religious one. It was beginning the year with fasting, with humility, with purification, with gratitude. It

[27] "The Green Corn Dance," *Chronicles of Oklahoma*, X, 170-195.

was burying animosities, while it was strengthening courage. It was pausing to give thanks to heaven, before daring to partake its beneficence."[28]

One of the favorite sports of the Indians was the Indian Ball Game. The sticks used in the game were made by trimming a stick, usually hickory, very thin on the smaller end so that, when the end was bent back over the handle, a cuplike depression would be formed of the thin part. The cup was flared in front and laced with a thong at the back. With two of these sticks the Indians could catch and throw a small compact ball made of deer's hair covered over with deerskin and sewed tightly with sinews. Two towns, clans, or moieties would play each other. Two upright posts were set up at each end of a long rectangular field. The players were equal in number and the aim of each side was to throw the ball between their goal posts. The ball was tossed up in the center by the referee. The players on each side sought to secure it and toss it toward their goal, but they had to handle the ball with the sticks, not with their hands. They had no rules forbidding personal roughness. The participants played with only a breech clout on and the opposition frequently brought blood from their bodies by striking them with the playing sticks. The players might be crippled or even killed but the game went on to completion. At the end of the agreed period, the team who had thrown the ball between its goal posts the most times won.[29]

The preparation for the ball game was very much like the preparation for war, but perhaps the ceremonies were confined to one night. The players drank the black drink, fasted, and danced throughout the night preceding the game. The spectators would come in great numbers and the Indians exercised freely their bent for gambling. They would wager their clothing, orna-

[28] Swanton, *Ibid.*, X, 170-195.

[29] Swanton, "Creek Social Organization and Usage," 42 *Annual Report of the Bureau of Ethnology*, 456-466.

ments, ponies, after horses were owned, and even themselves as slaves to the other for a specified period.[30]

The warriors had another game called Chungke. It was played on grounds at or near their town squares. The field consisted of a well cleaned plot of ground over which sand might be sprinkled. Each player was equipped with a round stone disc about eight inches across, and a light oak pole or shaft, about eight feet long. The player started running, hurled the stone on its edge, and then cast his pole so that the tip would be near the stone when it came to rest. The player whose shaft point was nearest his stone won the throw. The players would bet heavily on the game and play with great enthusiasm throughout long periods of time. This game certainly disproved a popular conception that the Indians were lazy. It has not retained its popularity as in the case of the Indian ball game.[31]

The town was the community unit of these Indians. These usually had as their center a town square. This square was the nucleus of the social and ceremonial life of the village. Adair says that each town contained a large edifice which constituted the community house. It was furnished with couches on which the old men and warriors might recline and rest, sleep, deliberate, or eat. The couches were about seven feet wide and slightly longer. They sloped to the wall so that sleepers would not roll off. The Chief's hut or bed usually occupied one side of the square. Other public buildings would vary from place to place.[32]

Except for those near the Gulf of Mexico, the Indians of all the tribes constructed winter houses to protect them from the severe winter weather. These were necessary as the adult Indians were never heavily dressed and the children usually went naked until they were ten years of age. These were similar to, though smaller than, the large houses mentioned above. Around a circle

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30 Williams, (ed.), *Adair's History of the American Indians*, 428-430.
31 Williams, *Ibid.*, 430-431.
32 Williams, (ed.), *Ibid.*, 453; and Swanton, "Creek Social Organization and Usages," 42 *Annual Report of the American Bureau of Ethnology*, 205-296.

they planted, at intervals, strong posts of pitch pine, sassafras, or black locust. This circle of posts was placed well into the ground. They were of equal height, five to six feet above the ground, and notched at the top. From post to post they laid poles as roof plates. To form the walls of the house they tied pieces of oak to these posts and interwove them with the same material. They plastered these walls with mud and grass. In the center of the circle, they erected in a quadrangular form four large pine posts of approximately twice the height of the outer posts. On these posts were laid heavy logs notched and sloped to the tops. Long, strong poles were laid from these central logs to the outer roof plates. They laid over these split saplings and daubed them over with a thick layer of mud held together by withered grass. Then they thatched the entire roof with layers of long grass, reeds, cane, or bark, held down by split saplings. The doors of these winter houses were about four feet high, the entrances were roofed over, and usually opened toward the east. The houses were entered by a winding passageway which protected the interior from the winter winds and from an invading enemy. The firepit was in the center but no provision was made for the escape of smoke. This made the houses very stuffy and uncomfortable.[33]

The couches were arranged about the walls and supported on four forks of cane. On these they laid mats of cane, bark or skins which were supported by large bars of cane. Robes of buffaloes, bears, panthers, or deer skin were used as bedding. Panther skins were often furnished the boys as these were supposed to give them traits of cunning and strength; the girls were likewise placed on fawn or buffalo calf skins because those animals were shy and timorous. In these houses, a fire was built in the day time, and when it had burned down, ashes were thrown over the coals. If the room became cold at night, the fire was stirred with

[33] Williams, (ed.), *Adair's History of the American Indians*, 450-451.

long canes to expose the partly burned coals to the air and when it was necessary, new fuel was added.[34]

Adair gives us a good description of their oblong summer houses. They fixed posts of pine, sassafras, or locust, along each side of the house. These posts were notched at the top and on them wallplates were placed. A large post was set at the middle of each gable end and one in the center of the building. Along these posts, they laid a heavy rooftree and sapling rafters were laid from the wall plates to the rooftree; over these, laths of split saplings or cane were tied. Over these laths they fashioned a roof of split cypress boards or bark, and over all, laid heavy logs as a protection from heavy winds. The sides and gable ends were walled up as in the winter houses. The doors were usually of split poplar of one or two boards in width. The type of house used largely by the Choctaws varied from the usual by having a smoke hole at either end instead of in the center as in the other tribes.[35]

The early Indians were forced to construct the earlier houses with stone axes, and split their timber with wooden wedges. The houses described above were constructed with the aid of an iron hatchet and a knife. The effect of the coming of the white men was soon apparent in the Indian habitations. Schneider, who visited the Cherokees in the winter of 1783-1784, describes a typical Indian hut as 10 by 14 feet and blocked up of narrow logs to the height of seven feet. Split shingles began to come into use as roofing about this time and the walls were plastered with mud. There were still no windows and the door was small. Instead of the fire built in the middle of the building without a proper outlet for smoke, the chimney was on the outside. About such a house were the customary other cabins such as corn cribs, ceremonial houses, purification retreats, and storage rooms.[36]

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[34] Williams, (ed.), *Ibid.*, 451-452; and Williams, *Early Travels in the Tennessee Country*, 261.

[35] Williams, (ed.), *Adair's History of the American Indians*, 449-450.

[36] Williams, (ed.), *Ibid*, 450; and Williams, *Early Travels in the Tennessee Country*, 260.

The Creek towns might consist of successions of villages or neighborhoods scattered through the woods and along the streams where water was convenient. Such scattered villages were connected by a network of trails. The Choctaw town near the Creek or Chickasaw borders was compact but in the other parts of the Choctaw Nation, the houses were straggling. The Choctaws did not have the square in their rambling towns. Perhaps a town was started by a man and his wife occupying a space and as their daughters married, their husbands settled down with them, but the boys would marry and settle elsewhere. The property might be built or bought by the man but was in reality the property of his wife. The man was of necessity supposed to offer food and shelter to such of his own clan as happened to ask his service but hospitality was extended to all visitors. This made the home a refuge for the helpless and indigent. Sometimes such hospitality was exploited by the shiftless clansmen who could demand food and hospitality but it furnished protection at a time when old age pensions and orphan homes were unknown.[37]

The above customs grew out of the fact that the clan, the social group next above the family, did not usually permit marriage within the group. Descent was traced through the female line, and the husband remained a member of his mother's clan throughout his life. The clan was one of the strongest social factors in the tribes.[38]

The moities or phratries were a peculiar organization which strangely affected the social, civil, and ceremonial life of the tribes. Each tribe seemed to be divided into two of these and each tribesman knew to which group he belonged. The rule against marriage was rigidly enforced in the moities making a double ban to intermarriage of closely related groups. Strangely enough the In-

[37] Swanton, "Social Organization and Social Usage of the Indians of the Creek Confederacy," 42 *Annual Report of the Bureau of American Ethnology*, 170-171; Hodge, *Handbook of the American Indians*, I, 188-189; and Williams, (ed.), *Adair's History of the American Indians*, 302.

[38] Swanton, "Creek Social Organization and Usage," 42 *Annual Report of the Bureau of Ethnology*, 114.

dians had no way of reckoning kinship on the father's side and inbreeding was possible although strictly forbidden in the mother line. Likewise the moities served to divide the Indians into groups for the prosecution and defense of criminals, the ball plays, celebration of certain feasts, and for the celebration of funeral rites. These groups adhered closely and had a great influence in resisting the adoption of Christian customs when the transition to civilization was begun.[39]

The Mosaic Law of "An eye for an eye and a tooth for a tooth" was nowhere more ceremoniously followed than among these Indians. It was the task of the clan to avenge the injuries of its members at the hands of an outsider. Men were punished for injuries to men, and women for injuries to women. If a man committed murder and fled, his own brother or nearest relative would be punished in his place. The culprit who fled would forfeit his place in the clan and become an alien without a home. This custom must have brought about the state of mind that later brought the condemned man, released on his own honor, to the place of execution on the set day.[40]

The system of blood-feud and retaliation for injuries was particularly troublesome in the early Indian relations with the whites. The Indians of the injured feud group were particular to punish the guilty Indians. When the white man appeared upon the scene, retaliation on a feud group quickly degenerated into revenge upon helpless or inoffensive whites. The whites usually retaliated in kind. It was only the ability of these tribes to adopt legal and tribal punishments in the place of clan retaliation that enabled them to adjust themselves to the white civilization.

The clans often took their name from some totemic animal as fish, squirrel, skunk, etc. It was thought that a supernatural animal created the clan or else was supposed to be the protector and mentor of the members. The Choctaw clans did not have

[39] Hodge, *Handbook of American Indians*, I, 245-248, 260-262, 288-289, and 362-365; and Debo, *The Rise and Fall of the Choctaw Republic*, 15.

[40] Williams, (ed.), *Adair's History of the American Indians*, 150-165.

animal names. None of the tribes regarded the animals representing their clans as sacred, and killed them on the chase as did members of other clans. Clans were supposed to have originated in kinship but adoptions into clans were common and some clans were known to divide into two separate clans. Where the same clan appeared in different tribes the bond of friendship was strengthened. Clans might be created by separation, such as the Seminole clans which often came from a part of a Creek clan. Sometimes clans would unite as the 14 Cherokee clans were united into 7. Undoubtedly some of the clans must have been exterminated in war or died of the many pestilences which swept off, at times, vast numbers of Indians.[41]

As individual property was poorly developed, the clan became the chief property holder. This fact was evidenced in that individual property was buried with its owner.[41a]

The clan likewise had the responsibility for training of the Indian youth. As the father was not a member of the clan of his child, he played a negligible part in the training of his children. The mother and the maternal uncles usually guided the boys. They were punished by scatching the legs with gar's teeth, both to loosen the skins and make them swifter, and as a punishment. As a development measure the scratching was done after wetting the skin. As a punishment the children were dry scratched. The larger boys were often whipped with some kind of withes. The older members often used irony and satire in punishing the culprits. The boys were trained in the use of the implements of the chase, war, and in the tribal lores, by the old men of the clan. The girls were subjected to a closer chaperonship than the boys and never went about alone until after they were married. They were taught to perform the duties of the cultivation of the fields, preparation of food, and the care of the home, as these duties fell to women.

41 Swanton, "Creek Social Organization and Usage," 42 *Annual Report of the Bureau of Ethnology*, 114-120; and Hodge, *Handbook of American Indians*, 114-120.

41a *American State Papers, Indian Affairs*, I, 325.

Both boys and girls of most of the tribes were taught to plunge themselves into water on arising, both in summer and in winter.[42]

The clan or village played an important part in the government of these tribes. The Indians were democratic and each member of the group was permitted to express himself freely on all questions. The meetings were decorous and somewhat formal. The clans each had certain headmen, chiefs, or leaders, to whom deference was paid. These had attained their rank by distinguished service either in peace or in war. These chiefs had no power over their subjects except through their vigorous personality. The Indians usually deliberated quietly but deferred decisions on important matters over night or for several days. The great weakness of Indian government was that the minority was not necessarily bound by a majority decision. One clan or group might decide on war and strike a blow that would bring a strong enemy to attack the entire tribe and threaten destruction to all. The stronger leaders however could usually secure a relatively large unamimity of action and the tribe could be brought to act together when opposed by a formidable enemy.[43]

One clan was usually designated as the chief or head clan of the tribe. The leader of such a clan was usually recognized as the chief of the tribe. It seems that this did not always prevail and head-chiefs were sometimes chosen from different clans. The head-chief, usually, had little means of enforcing his will except by the sanction of a popular majority. Sometimes a man, as Alexander McGillivray, among the Creeks, 1776-1793, who, although not of the clan that usually provided the head chief, could build up a following that would overawe all opposition and secure the unity of the tribe. Such men were rare and such dictatorships were

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[42] Williams, (ed.), *Adair's History of American Indians*, 183-165, 461; Swanton, "Social and Religious Beliefs and Usages of the Chickasaw Indians," 44 *Annual Report of the Bureau of American Ethnology*, 222-224.

[43] Williams, (ed.), *Adair's History of the American Indians*, 459-460; and Swanton, "Beliefs and Usages of the Chickasaw," 44 *Report of the Bureau of American Ethnology*, 216.

not common; thus the so-called confederates were usually very weak indeed.[44]

The Indians of the various tribes held district or tribal Councils at intervals. They were constituted of the head chiefs of the various towns, who were vested with powers to act for the tribe. In such a Council the leaders did the speaking, although all persons of the tribe might attend. In fact, most of the tribes were so subdivided into districts and divisions that cooperation was very poor. Few head-chiefs had universal allegiance, and councils with representations of the entire tribe were rare. So long as district or factional jealousies persisted, no tribe could function as a unit.[45]

In the development of their economic life, the Indians lacked many of the essentials of civilized life. In the Asiatic and European civilizations, the animals were usually domesticated prior to plants. The horse, cow, sheep, hog, and other easily domesticated animals were not found in America. The Indians of South America domesticated the llama, but it did not spread beyond its native Andes Mountains. The turkey, a native American bird, was not domesticated among these tribes and was not usually found in captivity in America. White men have often tried to domesticate the buffalo, which was the American specimen of cattle, but without avail. The buffalo has always been too ill-tempered for the white man to tame; consequently we understand why the Indians had not previously domesticated him. The lone animal which the Indians of the five tribes had subjugated and used universally, was the dog. These served the Indian for hunting, for companionship, and on occasions, the Indians ate the dog and considered it a savory dish.[46]

The Indian corn, or maize, was the Indians' greatest contribution to civilization. It was likewise the main food of these five tribes. The corn was used and esteemed when fresh in the roast-

[44] Swanton, "Creek Social Organization and Usage," 42 *Annual Report of the Bureau of Ethnology*, 323-330.
[45] Swanton, *Ibid.*, 318-324; Hodge, *Handbook of American Indians*, I, 498-499.
[46] Hodge, *Ibid.*, I, 397-399.

ing ear season. In each tribe, the people had their corncribs where this staple article was stored and preserved for food throughout the year. It not only served as food but it bound its cultivators to the soil and gave them a chance to progress. These Indians were cultivating corn and sometimes had large stores of it at the time of the DeSoto expedition, 1541. The colonial traders encouraged the taking of deerskins and diminished very early the supply of deer in the region of the tribes. This early depletion of the deer destroyed the greatest source of animal food and compelled an ever increasing dependence on agriculture on the part of the Indians.[47]

The Indians had few tools with which to clear and cultivate the cornfields. Metal was almost unknown and fire and stone axes were principally used in clearing. The stone axes were crudely edged and had grooves cut on either side of the head. The handle of hickory or other suitable material was split and the two sides trimmed to fit the grooves in the axe. The axes were bound to the handle by rawhide thongs. With this crude axe the Indian men, who usually did the clearing, could circle the tree and cut the bark all the way around. The tree soon died because of this treatment. The underbrush was cleared by means of the stone axe but fire was sometimes used to deaden the trees and destroy trash and underbrush. Cultivation was begun when the timber died and as the limbs and decayed trunks fell to the ground, they were burned each season or used for the village supply of firewood.[48]

The cultivation of the soil was usually done by the Indian women, although among the Creeks, and perhaps other tribes, the men assisted. In the compact villages, the fields were in a solid block and were usually cultivated in common. Certain women, recognized for their skill and leadership, would direct the work. The plots were planted or cultivated one at a time until all the fields had been gone over. The Indians seemed to take pride in the work but some individuals shirked their parts. Per-

[47] Hodge, *Ibid.*, I, 790-791; and Williams, (ed.), *Adair's History of the American Indians*, 437-438.

[48] Williams, (ed.), *Ibid.*, 434.

haps the same individuals would have shirked in the cultivation of individual plots. Among the Choctaws, where the villages were scattering, the plots were individual and each family cultivated its own field. As the fields were unfenced until long after the introduction of horses, the women and children had the wearisome task of watching the growing crops and driving off the birds and animals that sought to feed upon them. The cultivation was done with rude hoes made from a crooked stick, a flint, or a buffalo bone. These Indians knew nothing of fertilizer or the return of humus to the soil. They uprooted the weeds, dried, and burned them. When we consider the crude tools and methods the Indians were compelled to use we marvel at the abundance of crops they produced.[49]

While corn was the chief food plant of these Indians, it was by no means the only one. The long list of domesticated plants included several varieties of beans, peas, pumpkins, and melons. These were prepared in a number of ways and served in season or dried, as in the case of beans and peas, and stored in their cribs as was the corn. Tobacco, whether classed as a food or not, was widely cultivated. The Indians used it for personal consumption and for ceremonial purposes. The cultivation of these plants seems to have been similar to that used for corn.[50]

The wild fruits and berries of the region were known and utilized very widely. Persimmons were dried and sometimes mixed with other materials in making bread. The Indian peach was highly valued by the Indians, and it seems that they must have cultivated it in places. Plums, grapes, crab apples, huckleberries, wild strawberries, and various other wild plants were known and utilized. The Indians also used the chestnut which they boiled, mixed with corn, and made into bread. The acorn and hickory

[49] Claibourne, *Mississippi as a Province Territory and State*, I, 487; Swanton, "Creek Social Organization and Usage," and "Culture of the Southeast," 42 *Annual Report of the Bureau of Ethnology*, 443-444 and 689-692; Williams, *Early Travels in the Tennessee Country*, 261.

[50] Williams, *Adair's History of the American Indians*, 93, 438-439; Swanton, "Culture of the Southeast," 42 *Annual Report of the Bureau of Ethnology*, 691.

nut were used especially to make a vegetable oil which was used both for food and for anointing their bodies. They made jellies from the roots of the china brier mixed with honey. The bee seems to have been native to America as one of DeSoto's followers spoke of finding a pot of honey among these Indians and many of the early traders record that honey was used by the Indians as a food.[51]

In hunting, the Indians either went alone or in groups. They often went in numbers and drove the game into natural inclosures between creeks or hills and killed them. The individual Indian stalked his game, using patience in securing an opportunity for a shot. They had only spears, bows and arrows, or rude clubs at first. Guns, among the first implements introduced among the Indians, made hunting easier and surer, but the added effectiveness of the hunters and the demand of the traders for furs depleted the supply of game. The buffalo must have disappeared from east of the Mississippi River during the eighteenth century. The deer was the most common of the larger animals and venison was a common meat of the Indians. Deer skins were used widely by the Indians for clothing. The deer skin was the most common article of trade and served as the unit of value between the traders and Indians as the beaverskin served in the northern states. The bear was valued especially for skin and its fat, which was preserved and used as lard. The bear was hunted throughout the year but the Indians were more successful in trapping them in caves in colder weather. In addition to the larger animals the smaller animals such as rabbits, opossums, squirrels, skunks, and raccoons were hunted and highly esteemed for food.[52]

The streams of the country inhabited by these Indians were filled with fish. The Indians took the fish in various ways. They

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[51] Claibourne, *Mississippi as a Province, Territory, State,* I, 501; Williams, (ed.), *Adair's History of the American Indians,* 240, 438-442; Mooney, *Myths of the Cherokee,* 82 and 213-214.

[52] Swanton, "Beliefs and Usages of the Chickasaw," 44 *Annual Report of the Bureau of Ethnology,* 240-242; Swanton, "Creek Social Organization and Usage," 42 *Annual Report of the Bureau of Ethnology,* 404-405, 444-446; Williams, (ed.), *Adair's History of the American Indians,* 330-331, 387.

knew how to fashion lines and hooks of bone. They often gigged the fish in the clear water with a gig made from a cane or shot them, in shallow water, with a bow and arrow. They sometimes used traps and more often nets to catch the fish. The Indian men caught large sluggish catfish, in holes under over-hanging banks or beneath logs or stones, by grappling them with their hands. A favorite method was to find an isolated pool separated from the running water and poison the fish with devil's shoestring, buckeye, and other poisonous plants. The plants, when prepared and placed in the water, stupefied the fish so that they might be picked up by hand, or in small baskets, but did not harm the food qualities of the fish. An entire village might go on such a fishing trip when the fish would be taken in large quantities and prepared and cooked on the spot and all present would have a great feast.[53]

The Indians prepared their meals from utensils that were quite plain. Their spoons seem to have been made of horn or wood. They made pots, bowls, plates, jugs, mugs, and jars of clay, but such utensils were crude and of peculiar and irregular design. Although they burned the utensils, they were unable to give them a good glaze and their skill as potters was low. Their wooden plates seem to have been better than their clay ones. They made mortars for grinding their corn by hollowing a cavity in a log, by burning, and with a stone axe. They fashioned rounded pestles for their mortars and with these crude machines prepared most of their meal for bread. The bread was usually cooked by building a fire on a stone hearth. When the stones were heated through, the fire was removed and the bread cooked on the hot stones. The travelers usually praised the Indian bread although some complaints of lack of cleanliness are found.[54]

[53] Williams, (ed.), *Adair's History of the American Indians*, 432-434; Swanton, "Culture of the Southeast," 42 *Annual Report of the Bureau of American Ethnology*, 694.

[54] Williams, (ed.), *Adair's History of the American Indian*, 452; Williams, *Early Travels in the Tennessee Country*.

The men of these tribes always wore a breech clout or loin cloth about their middle; the women wore a short skirt. These were the only indispensible articles of clothing. They usually went barefoot when the weather permitted. In hunting or in the war path the men wore moccasins for protection to the feet. The finer ones of these they made from deerskin. Other skins were used in the making of coarser models. Originally they were sewn with the slit sinew of some animal, but needles and thread were among the earlier articles introduced by the traders. The men and women wore a belt to fasten the breech clout or skirt to the waist. The men wore skin leggins to protect their legs from cold and the underbrush. These joined the moccasins at the bottom and were fastened to the belt by leather straps. The women's skirts were made of deerskin or in southern areas were made of grass. The upper part of the body was covered, when necessary, by mantles made of the skins of animals. Feather mantles were ingeniously constructed of a network of cords and worn by either sex. The women sometimes constructed mantles of the inner bark of the mulberry tree. The skin mantles might be constructed long and worn in winter as a cloak. The early men wore headbands of feathers, skin, or metal.[55]

The Choctaw Indians, both male and female, wore their hair long and were known as "long hairs." They likewise flattened the heads of their babies. A stone or block of wood was placed on the forehead so as to cause it to grow depressed and broadened. The deformation continued through life but was in no way hereditary. It seems that this practice spread late into some of the other tribes.[56]

The other tribes wore their hair roached. The sides of the head were shaved leaving a crest of hair on the center. Some colored their hair a dark red by the use of a plant but this practice

[55] Swanton, "Culture of the Southwest," 42 *Annual Report of the Bureau of American Ethnology*, 681-683; Hodge, *Handbook of American Indians*, I, 310-313.

[56] Swanton, "Culture of the Southeast," 42 *Annual Report of the Bureau of Ethnology*, 686-687; Hodge, *Handbook of American Indians*, I, 96-97.

does not seem to have extended to Choctaws and Chickasaws. Bear's oil was freely used on the hair which was gaily ornamented with feathers, beads, copper-colored stones, and later brass and silver. The hairs were removed from the other parts of the body making the Indian unbearded or smoothfaced.

The bodies of all the Indians were tattooed freely. The materials used were charred box-elder or the drippings from rich pine roots. The tattooing was done by pricking the materials into the skin with gar's teeth or sharp bone implements. The tribe of an Indian could be ascertained by the peculiarities of the tattoo marks upon him. In time of war or social functions, as ball games or busks, the men painted their faces and parts of their bodies. The women used paint less frequently than the men. The Creeks and Chickasaws inserted a hole in the nose and fastened an ornament by means of a deer sinew. All the tribes wore ornaments in the ears.[57]

Along with the clan, the family was a social unit of great importance in Indian life. Marriage was outside the clan and if moities or phratries were recognized they married outside of them. The arrangements of marriages might be either by the parties themselves or by their relatives. The usual process was for the youth to request his mother to make overtures for him. The young lady was allowed freedom of choice. As stated above the young couple usually resided in the village of the girl's mother. The unofficial marriages might take the form of trial marriages. If they did not prove satisfactory the couples might separate at any time but among the Creeks they could not remarry until after the busk, or green corn dance. As failure to produce children was a frequent cause of separation, divorce seems to have been rare after children were born in the family.[58]

[57] Swanton, *Culture of the Southeast*, 42 *Annual Report of the Bureau of Ethnology*, 683-687; Pickett, A. J., *Alabama*, I, 91-92.

[58] Swanton, "Creek Social Organization and Usage," 42 *Annual Report of the Bureau of American Ethnology*, 368-388; Claibourne, J. F. H., *Mississippi as a Province, Territory and State*, 492.

Marriage as a rule took place in early life as little capital was necessary for housekeeping. The cabin would be built as a community enterprise by the village group. A small pot was needed to boil their venison and hominy and a wooden or clay bowl to put it into when cooked. They needed no tables or chairs as they sat on the ground. When visitors came the bowl was placed in the center and the guests helped themselves one after another. The dish of universal use was tom-fulla, sofka, etc., the name varying as to the tribe. The corn was soaked in lye to remove the husks, thoroughly boiled and seasoned with bear's oil, deer-tallow, or with the kernels of walnuts or hickory nuts.[59]

A rather rigid separation of labor was observed. The women manufactured the household goods, as pottery and basketry, spun and wove hair and bark fiber rugs, made the clothing, cooked the food, cultivated the crops, carried the wood and water, aided the men in tanning the skins and dried and preserved the fruits in their season. The men built the houses, such as dwelling houses, corncribs, and the houses of the village square; made all the tools, such as axes, bows, arrows, war-clubs, pipes, corn-mills or mortars; cleared the fields, and undoubtedly aided some in the cultivation of the town fields. The primary duties of the men were making war, hunting, and fishing, doing the things which furnished protection, clothing, and a large measure of food for the family. The older men, who were left behind both on the hunt and warpath, aided the women in the cultivation and harvesting of the crops and in the carrying of the wood.[60]

The Indian men were so much engaged in war that the women outnumbered the men. This was especially true among the warlike Chickasaws. This seems to have encouraged or caused two customs, polygamy and infanticide. The husband of a wife might take her sisters as wives, but often married persons with no immediate family connection. The later wives seem to have been

[59] Claibourne, *Mississippi as a Province, Territory and State*, I, 591.

[60] Swanton, "Creek Social Organization and Usage," 42 *Annual Report of the Bureau of American Ethnology*, 384-388.

given a subordinate position. Pushmataha, the Choctaw warrior, explained that the small number of men caused a danger from an excess of unattached women, and that plural wives relieved this danger. The same fact made girl babies less desirable than the boys. An Indian maiden was privileged to destroy her child born out of wedlock; in fact any Indian mother might destroy any surplus or unwanted babe at or soon after birth.[61]

The problem of the relations between the sexes seems to have been a serious one. The Indian law did not demand as high a standard of morality for the unmarried as for the wedded couples. Neither was promiscuity regarded as a bar to future happy marriages. Yet in some cases severe dry scratching or whippings were administered to the offenders. Adultery was a more serious problem. It was severely punished in the Muskogean tribes but was not punished among the Cherokees although violations were numerous. The relatives of the husband usually administered the punishment. The punishment consisted of whipping and successively cutting off the lobes of the ears, the entire ears, the nose and the lips. The Chickasaws differentiated between male and female offenders: although the men were allowed to go free of punishment because of their scarcity, the women offenders had their upper lips cut off. The Choctaws had a custom of sentencing women offenders to harlotage.[62]

This in brief was the condition of these tribes. They were far in advance of many American tribes as is shown by their fixed villages, their ever increasing dependence on agriculture for a living, and the broad language group among the Muskogean tribes. The influx of white blood, because of the frequent coming of the frontiersmen to settle in the tribes, offered a mixed-blood element keen of thought and capable of education and higher culture.

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[61] Cushman, *History of the Choctaw, Chickasaw and Natchez Indains*, 150-151; Swanton, "Creek Social Organization and Usage," 42 *Annual Report of the Bureau of Ethnology*, 333-334, 345.

[62] Williams, (ed.), *Adair's History of the American Indians*, 145-153; Claibourne, *Mississippi*, 492; Swanton, "Creek Socal Organization and Usage," 42 *Annual Report of the Bureau of Ethnology*, 346-347.

On the other hand, grave dangers for the Indians lay in the situation. The Indian family was not stable enough to compete with that of his frontier neighbor. Some members of the tribes were addicted to the practice of horse stealing. The frontiersmen punished the horse thief with death. The Indian practice of retaliation and blood revenge caused the Indians to strike back. Such practices on the frontier inevitably resulted in war and war would result in ultimate tribal extinction. The fate of the tribes hung in the balance. If they chose to bury themselves in the environment of the past, they would commit tribal suicide. They had, however, within themselves a virility and leadership of mixed blood Indians that could carry them far along the lines of civilization and progress. If they chose this road the hope of tribal life and achievement was infinitely greater. It was vital to them to make the right choice.

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THE ORIGIN OF THE SEMINOLE INDIANS[1]

From the desolation and ruin of three wars in the international struggle for the lands of the Creek Confederacy sprang the Seminole Indians in the first half of the eighteenth century. The Oconee formed the nucleus of this tribe whose early history was a flight for refuge and peace in a region despoiled by war.

The efforts of Spain to control the border lands north of Florida and of the English to expand southward from Virginia were intensified and complicated by the French penetration toward the north and east from Mobile. By the close of the seventeenth century the Spaniards had fortified a chain of Apalachee Indian towns in the neighborhood of the present-day cities of Tallahassee and Pensacola. Missionaries were sent to Sabacola; Spanish raiders sought to capture English traders; and the Chattahooche river was fortified. Thus was English infiltration frustrated and the route of the Carolina traders to the tribes farther blocked. Many Lower Creeks migrated from the Chattahooche to the Ocmulgee river.[2]

When Queen Anne's War resulted in colonial hostilities the stage long had been set there for the struggle. In 1702 Governor Moore led the Carolina forces in an assault on San Augustin, and although his land forces captured the town with little difficulty the shallow harbor prevented the effective use of his ships. So the Spaniards remained safely in control of the fortress. The strength of the fort was such, that Moore believed that the royal English navy would have been needed to capture it had the stronghold been manned by French troops.[3] The strength of the Spanish

[1]The writer wishes to thank Dr. Alfred B. Thomas of the University of Oklahoma for suggestions in the preparation of this paper.

[2]Herbert Eugene Bolton, *Arredondo's Historical Proof to Spain's Title to Georgia*, Berkeley, 1925. (Hereafter, *Arredondo.*)

[3]Minutes of the Council of Jamaica, Dec. 4, 1702; J. A. Moore to Thomas Handasyd, Sept. 16, 1702; in *Calendar of State Papers*, Colonial Series, America and West Indies, 1702-1703, 28, 29, London, 1913. (Hereafter, *Calendar.*)

fort, however, did not prevent Governor Moore from losing his post because of his failure to displace the forces.

As a private citizen, Moore remained an enemy of the Spaniards and their allies, the Apalachees, among whom the Castilians had built forts and missions. For sixty years the Apalachee tribe had been submissively constructing the Spanish fort at San Augustin, a tribute that had been exacted after a futile revolt of the Indians in 1640.[4] Now 900 of these allies were led by Spanish officers on a raid to destroy the Lower Creeks of Apalachicola and any English who might be found in that neighborhood. Coincidentally an Anglo-Creek force was moving south to assault the Apalachee villages. They met on the Flint river where the Anglo-Creek warriors built fires, around which they arranged their blankets to resemble their own sleeping forms. They then concealed themselves and awaited an attack. The result was the destruction of the Spanish-Apalachee war party.[5] Thus the Apalachee villages were being depopulated, in an endeavor of the Spaniards and French to prevent the expansion of English power and influence.[6] At Charlestown, Moore, the former governor of Carolina, recalled his downfall at San Augustin and became the leader of another attacking party.

Moore directed fifty English soldiers and one thousand Indians against the Apalachees. Enemies of the English were cleared from the path to Pensacola and Mobile. Indian missions three-fourths of a century old were doomed. The padres and the insufficient Spanish garrisons marshalled an heroic defense; but those who survived the fighting paid for their bravery at the stake. One Apalachee town purchased its immunity, with the ornaments of its church and ten pack-horse loads of provisions; but thirteen In-

[4]George R. Fairbanks, *History of Florida from its Discovery by Ponce De Leon in* 1512, *to the Close of the Florida War*, 1842, 175, Philadelphia, 1871.

[5]John R. Swanton, "The Early History of the Creek Indians and Their Neighbors," Smithsonian Institution, Bureau of American Ethnology, *Bulletin* 73, 120, 121, Washington, 1922.

[6]Verner W. Crane, *The Southern Frontier*, 73, Durham, N. C., 1928.

dian villages were destroyed entirely.[7] Moore returned to Charlestown with 1,400 Indian prisoners, a part of whom became slaves, many of them, however, were settled on the Savannah river as a buffer against Spanish retaliation.[8]

A large area, naturally attractive to the natives, had been depopulated in less than four years. It had become a battle ground where no quarter was given and no mercy known. Those natives who had not been killed had been forced into slavery or transplanted to provide protection for the destroyers of their homes and families. A slow migration from the Lower Creek towns of the Chattahooche soon began gradually to repopulate the district.[9] Moore believed that he had left the region so reduced and feeble that it could no longer support San Augustin with provisions nor "endamage" (sic) or frighten the English and their allies.[10] Apalachees who were not removed by Moore had fled to the Mobile river for safety.[11]

The first great impulse to migrate, however, came after the Yamassee war, which was an Indian uprising in 1715.[12] The Yamassee had been allies of the English, at times going far into Florida to capture the allies of the Spaniards who were then enslaved by the British.[13] But they had endured much mistreatment by the English, and when they suspected that they also might be enslaved, the Yamassee perpetrated a fierce attack on the Carolina settlers. Fifteen thousand Indian men were believed to be in the league to exterminate the English.[14] Several hundreds of English were butchered and Governor Spotswood of Virginia wanted to

[7]Bolton, Spanish Resistance to the Carolina Traders in Southern Georgia, 1860. 1704," *Georgia Historical Quarterly*, June, 1925, 127, Savannah. (Hereafter, "*Resistance.*")

[8]Bolton, *Arredondo*, 60-62.

[9]Swanton, *op. cit.*, 398.

[10]*Ibid.*, 121.

[11]Peter Joseph Hamilton, *The Colonization of the South*, 214, Philadelphia, 1904.

[12]Swanton, *op. cit.*, 398.

[13]*Ibid.*, see map of 1715.

[14]Crawley before the Council of Trade and Plantations, July 26, 1715, in Commissioners of Trade and Plantations, *Journal*, March, 1714-1715—Oct. 1718, 62, London, 1924. (Hereafter, *Journal.*)

stop the "flame before it reach'd hither."[15] The Creeks, Choctaws, and Catawabas had agreed to assist in exterminating the English, but they remained quiet, causing the Yamassee to be defeated. Then the Yamassee returned to Florida and became allies of the Spaniards,[16] and other tribes moved also to gain security.

The uprising was significant in the development of the Seminoles for it caused the Creeks of the Cavita district to divide into English and Spanish factions. The Spanish-favoring faction was led by Chief Chipacasi, who was better known as Seepy Coffee.[17] Several small and weak tribes migrated to put the safety of distance between themselves and the English, whom they expected to retaliate. Among these tribes were the Ocone who were first recorded at about the site of the present town of Milledgeville, Georgia, in 1695.[18] The area once occupied by the Apalachee gradually was being repopulated. The Talapoosas moved as far as Mobile, but the French feared they were English allies and prevented them from settling.[19] The principal chief of the Cavita division of the Creeks learned that he could increase his prosperity by joining neither the English nor the French, thus remaining in a position to exact desirable gifts from both.[20]

The Yamassee deserted their Spanish alliance for the English in 1734, about fifteen years after their war against the Carolinas when they had fled to Florida. The Spaniards had tried to enslave the Yamassee, while the English had presented them with clothing and guns.[21] The next year a party of English Indians attacked the fort at Saint Francis de Pupo, only sixteen miles from San Augustin on the San Juan river.[22] This was only one of sev-

[15]Governor Spotswood to Council of Trade and Plantations, July 15, 1715, *Calendar*, 1714-1715, 232-233, London, 1928.

[16]Swanton, *op. cit.*, 100-101.

[17]Bolton, "Resistance," 129-130.

[18]Swanton, *op. cit.*, 180.

[19]Dunbar Rowland and A. G. Sanders, eds., *Mississippi Provincial Archives*, 1729-1740, I, 203, Bienville's Report on Indians, Jackson, 1927. (Hereafter, *Archives.*)

[20]Swanton, *op. cit.*, 225-226.

[21]*Ibid.*, 96.

[22]James G. Johnson, "The Colonial Southeast, 1732-1763, an International Contest for Territorial and Economic Control," *University of Colorado Studies*, XIX, No. 3, 197, Boulder, 1932.

eral similar incidents that preceded the War of Jenkins' Ear in 1739. The French, Spaniards, and English encouraged their Indian allies to fight and the general battle ground included the section that Moore had rifled and burned early in the century.

The Chattahooche Creeks had divided, some of them remaining friends of the English, others joining the Spaniards in Florida. The English established Augusta as a trading post and fort, thus thrusting their control inland. They came south and fortified Saint Simon's island, steadily encroaching on the natives of the region. Spurred by the English a party of Creek assailed the Spaniards as far east as San Augustin.[23] Six hundred troops were sent to Georgia and a colony of Scots was established at Darien, the most exposed point on the frontier—often called New Inverness.[24] Purysburgh, Ebenezer, Mount Pleasant, New Winsor, and Silver Bluff were more Georgia frontier colonies, not only holding the territory for the English but pressing the Indians away. The small tribes could not move west because of the powerful Creek Confederacy. The Cherokees prevented them from finding satisfactory vacant land in the north. War parties swept the debated district of northern Florida, but they did not prevent furtive occupation of the area by the small and weak bands.

Spain advanced her claim at London to the land as far north as thirty-three degrees and thirty minutes. Oglethorpe argued that his grant extended to the Saint John's river. The Spanish forces in the Apalachee district, however, were most limited. At the Apalachee presidio were forty-three infantrymen with three pieces of artillery and at San Juan were nine foot and eight horse soldiers and one piece of artillery. The chief Spanish forces were at San Augustin. In 1736 Governor Sanchez of Florida and Charles Dempsey, diplomatic representative of Georgia, signed a treaty of friendship, leaving the lands between the Altamaha and the San Juan rivers as a neutral zone and agreeing that the exact boundary

[23]Bienville to Maurepas, Feb. 10, 1736, in Rowland, *Archives*, I, 292.
[24]Johnson, *loc. cit.*, 177, 199.

between the English and Spanish territories should be settled by the home governments. Neither country was satisfied and neither intended to abide by the agreement.[25] For a time, however, this treaty tended to permit peaceful Indian settlement of the area, although permanent residences were not established. Two years after the neutral zone had been established, Oglethorpe prevented the Creeks from attacking the Spanish Indians.[26] That year, 1738, Oglethorpe cemented an English alliance with the Creeks, Cherokees, Choctaws, and Chickasaws at a conference at Cavita,[27] and in Florida the report was current that Georgia was offering fifty dollars bounty for each Spanish scalp.[28]

The War of Jenkins' Ear was begun in 1739, and while the results were indecisive the English flirted for a decade with the "neutral ground" plan—a period that permitted more fugitive Indian tribes and individuals to occupy the area.[29] Oglethorpe gained the support of the Creeks in this war by promising that the English traders would deal honestly and that his countrymen would not encroach on the lands reserved for the Creeks. The Creeks acknowledged Oglethorpe's title to territory south of the San Juan river.[30]

The first step in the development of the Seminole Indians was the devastation of the northern Florida area by Moore. The Oconee tribe moved west from the Oconee river and joined the Creek Confederacy soon after the Yamassee war. They were not a Muscogee stock, however, for their language was Hitchiti. About 1750 they migrated again, this time to the south into the "neutral zone," and became the center of the Seminole organization. They were led by Chief Secoffee, (who may have been also Cowkeeper) who was an enemy of the Spaniards. Many of the Oconee were thought to have remained among the Creeks on the Chattahooche, but they

[25]*Ibid.*, 198-199.
[26]*Ibid.*, 203.
[27]E. Merton Coulter, *A Short History of Georgia*, 39, Chapel Hill, N. C., 1933.
[28]*Colonial Records of Georgia*, XXII, Part 1, 278, in Johnson, *loc. cit.*, 202.
[29]Bolton, *Arredondo*, 5.
[30]Johnson, *loc. cit.*, 193.

were gone by 1832. Their want of permanence and frequent changes of their names makes the history of the Seminoles difficult to follow. The name is translated to mean "Runaway," and the original Oconee group soon was outnumbered by the refuges that came from the strife-torn Muscogee tribes; but the Seminoles were not entirely outlaws from the Creek Confederacy. An actual count of the group in 1823 produced a total of 4,883 Seminoles, none of whom were negroes. In 1812, because of forays on Georgia towns, Colonel Newman, inspector of Florida, led an attack on the Seminole town, Alachua, and in 1814 the Alachuans were destroyed. This caused the Seminoles to move farther south to the vicinity of Lake Harris. Later the remnants of the group moved farther south to the Everglades.[32]

The Seminole Indians originated in a period of half a century when three wars decimated a strategic region in an international conflict. The tribe appeared to develop as an aggregation of groups and individuals seeking peace and refuge in an area that three contestants coveted but none could take and hold. This origin helps to explain their later history.

—Gerald Forbes

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[32] *Ibid.*, 181, 344, 398-399, 414, 440.

NOTES ON ARCHAEOLOGY

As a lad of about seven years, on a pioneer homestead in a neighboring state the writer was once walking across a field where the prairie turf had been turned over by a breaking plow a few weeks before and during that interval a torrential rainstorm had somewhat eroded the surface of the sod. As a result of this drenching wash of the exposed sod surface, the ends of the roots of the grass, weeds, and other plants had been scoured free of clinging clay and soil and brought into sight. There, on the top of a long sod, washed free from a covering of earth, along with the grass and weed roots, lay a small, pointed, stone object of brownish gray color—its edge, like its point, somewhat sharpened and its surface sufficiently smooth to reflect the light to a slight degree. It was flattened, and on either edge and near the end opposite the point there were two slight notches. Rubbing the dust and adhering soil from this oddly-shaped object, the seven-year-old youngster carried it to his father, who dug down into an old chest and brought forth ten or twelve like specimens which had been brought from the old farm in Ohio and were fashioned on somewhat similar lines, and then for the first time in his life this youngster learned that these objects were the artificially fashioned stone arrow points which had been used to tip the arrows of the Indian hunters and warriors. From that day onward, an Indian arrow point always held a fascination for that small boy, though he lived in a country where such specimens were so comparatively rare that he could but seldom find one. Nevertheless, unconsciously, his eye was trained to observe the surface of the ground as he rode or walked across a field until, by the time he had reached his middle teens, a horse upon which he was mounted could scarcely trot fast enough to keep him from seeing a piece of chipped flint or chert if it lay in plain sight on either side of the road. However, since keenness

of sight did not render him a skillful collector, for he had yet to learn that other weapons, tools, and implements were shaped from the same sort of stone by a flaking process used by the Indians in prehistoric times, he rejected and threw away some otherwise interesting specimens, simply because they were not arrow-points!

Then, one day, he went alone to a point on a high rocky bluff overlooking a creek valley, upon the surface of which there were scattered numerous flakes and spawls of flint or chert and, scanning this surface, he picked up an odd stone of the same sort from which arrow points were shaped. The base of this specimen was about two inches long, elliptical in outline, flat and smooth, as if made by a single fracture, but the top, which, obviously, had been artificially flaked, was rounded to a shape not unlike that of the top of a tortoise-shell. Though the youth realized that this bit of hard silicious stone had been artificially wrought or fashioned, he was at loss to understand its significance, or the purpose for which it had been made. Within a week or two thereafter he had occasion to cross a pasture where the grass had been so closely cropped that the surface of the soil was partially exposed. There, he stooped and picked up a specimen of the same design or pattern as the one he had found on the bluff, though not nearly so large. The two items he brought together and compared and, thereafter, he did not reject such specimen, because they were not arrow tips.

Several weeks later, the youth was privileged to visit the state capital where he carefully scanned the only collection of prehistoric stone implements and weapons in the state of which he knew—in the museum of the state historical society. There, sure enough, were more of the round-topped, flat, smooth-based objects, but because they were not labeled, he had to bide his time to learn their identity.

Then, a year or two later, a new railway was constructed through the home town; just where it left the corporate limits it

crossed the creek where the channel of the latter was joined by a tributary ravine. The surface of the new road-bed was disturbed by the ties and rails of the new track, but scattered over it and in the sloping outer side of the barrow-pit were numerous bones, fire-reddened stones, flakes of flint or chert—yes, and a tomahawk, several arrow points, and also some more of the turtle-back implements, which, he surmised, must have been designed for use as hide scrapers, as indeed they were. It was plainly evident that the graders had torn into a village, or camp-site, which had been partially buried by flood action. Although the hometown had the distinction of having the first public library in the whole of the Great Plains region, there wasn't a book on its shelves that treated of the people of the Stone Age or of their arts and crafts. The president of a local bank was a man of university training and was greatly interested in such local discoveries, but there were no courses in anthropology in that great institution in his student days; so he could not offer much in the way of helpful cooperation. Even so, however, the boy, who as a lad of seven had picked up his first arrow point from the surface of a prairie sod, now grown to full stature still tramped the fields and in the spring of the year traversed the creek valley-lands and pointed out the sites of the Indian camps of long ago and picked up specimen implements of stone and bone, or scanned the artificial banks of a cut in the creek bank which opened a roadway to a ford across the channel, and there found one or two small shards of earthenware pottery that had been buried by the sedimentary drift of floods long centuries before.

Then, one day when he was twenty-seven years old, he gathered his modest little collection of local prehistoric specimens together, labeled them and carried them to the public library to which they were donated, and departed from the community. Throughout the ensuing twenty years, he had no chance even to look for an arrow point.

In 1889-90 he visited portions of the Cherokee, Choctaw, and Creek nations, in the eastern part of what is now the state of Oklahoma, with opportunity to see something of the adjacent portion of the neighboring state of Arkansas. Throughout that region he noted that many fields, meadows, and even wooded areas were dotted and spotted with low, circular mounds of earth, shaped somewhat like that of a saucer turned upside down. Puzzled by the unusual earth formations, he made numerous inquiries of intelligent residents of that section of the country as to the cause or origin of such peculiar formations. Most replies were negative, though, occasionally, someone would respond by saying: "I believe that some prehistoric race was responsible for such a formation, but I have no idea as to why or how it was done." Thereafter, as often as he had occasion to be in that part of the country, his curiosity as to the origin or cause of these small mounds was renewed. In 1907-8 the writer did his first active work in the lines of research and writing on local and western history, in the course of which he had occasion to learn much of the customs, habits, arts and crafts of the native American Indian people, including those of the Pawnee and Arikara—Caddoan Indian tribes of Nebraska and Dakota, whose habitations were in the form of timber-framed, dome-shaped earth-covered huts or lodges. Reasoning from the form of the remains of such huts or lodges that they might be the ruins of a modified type of such structures, it was not difficult to arrive at a conclusion that these small mounds might have originated in the destruction and fall of similar structures. Less than a year later, he was elected to a position on the faculty of the University of Oklahoma. A few weeks later he was sent to the eastern part of the state on an errand for the University which took him into nearly twenty counties. Spare time of evenings and mornings afforded opportunities for tramps through cornfields and cotton patches, with the result that he returned with a hatful of chipped chert and broken pottery. When the president of the University saw these specimens he asked as to previous ex-

perience in the collection of such material and when informed, said: "Well, you might as well cover the field of American anthropology, also." At the time, the writer had no thought of doing any work in that line beyond merely proving the human origin of these small mounds. His first efforts in that direction consisted of a thorough research into the published literature of the subject in various scientific publications. In this effort, he was amazed to learn that the origin of these small mounds had been the cause of a seemingly endless dispute between Geology and Archaeology throughout a period of two generations' duration. Geology, unanimous in scouting every suggestion of human agency or artificial origin, called all of these slight and symmetrical elevations "natural mounds" and suggested as possible cause for such formations erosion or the weathering decomposition of rock, glaciation or ice action, wave action, spring and gas vents, earthquake action, animal burrows, ant-hills and many other theories even more fantastic than these. Archaeology, on the other hand, claimed these small mounds as the result of the work of human hands but cited no details. Scientists of both classes seemed content to view the formations superficially without delving into the interior of the same. The author dissected not one, but several, of the mounds of this type with the result that he found the postholes in which the supporting timbers had been placed and other conclusive evidence of the construction of earth-covered human habitations.

Finally, came a day when the writer walked over the surface of one of these bowl circular mounds in a cultivated field. On the surface, weathered out by the action of winter rains, were specimens of chipped chert, broken pottery, and polished stone which arrested his attention. "Here is the place for the most thorough proof," he exclaimed to himself. Seeking the owner of the land, he asked permission to excavate and was refused with instructions to move on. Three years of time, with good officers and the intervention of friends, was necessary to secure the desired permission; but that mound, which was considerably larger than the average,

was excavated and found to be the ruins of a timber-framed, dome-shaped house which had collapsed while still occupied. The interior circle of the timbered structure had been 45 feet in diameter. A fine collection of specimens of arts and crafts was found and secured. The ground work of the timbered structure was carefully exposed by excavation. The postholes on the outer circle were 10½ to 11 inches in diameter, while the four center posts, which supported the center of the dome, were 15 inches in diameter.

As already stated, the writer's only object in those early excavations was to prove the human origin of these mounds. Obviously, the next step was to determine the identity of the people who had been domiciled in the huts or lodges of that type. The analogies between these architectural ruins and the primitive homes of these people of the surviving Caddoan tribes were very evident.

While such field investigations, observations, and researches have extended over a period of more than a decade and a half, and have included portions of the three neighboring states of Arkansas, Kansas, and Texas and much personal exploration and correspondence, research investigation has been extended into twice as many more states.

The actual work done by the writer or under his personal direction, has included excavation of valley-land burial grounds in LeFlore and McCurtain counties, in Oklahoma, and the careful dissection of a number of typical mounds of this class in LeFlore and Kay counties. Extensive surface scouting has been done in Bryan, Cherokee, Choctaw, Delaware, Kay, Latimer, LeFlore, McCurtain, Mayes, Muskogee, Osage, Pawnee, Pittsburg, and Sequoyah counties. In addition, he has gathered information from numerous other sources, by consultation and correspondence, in these and other counties of Oklahoma and in several other states that are involved in this discussion.

The writer frankly admits that, in proportion to the aggregate area throughout which and over which these peculiar formations are distributed or scattered more or less abundantly, his own

pioneering work may seem to be far from sufficiently extended to justify final and general conclusions.

—Joseph B. Thoburn.

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BOOK REVIEWS

Death on the Prairie. By Paul I. Wellman. (New York: The MacMillan Company, 1936. 298 pp. Bibliography. $3.00).

Beginning with the Sioux massacres in Minnesota in 1862, the book describes the major engagements fought between Indians and whites on the western plains, to include the Messiah troubles of 1891. As the title indicates, it is mostly a story of violence and bloodshed. There is no attempt to discuss the ethnological phases of Indian life, no study of the efforts of the government to civilize the Indians by peaceful methods. It is purely a tale of warfare.

The chapter dealing with the hostilities at Fort Phil Kearney is especially good; and of course the campaigns in the north in 1876-77 are given adequate treatment. The reader's admiration is aroused for the more noted of the Sioux leaders—Red Cloud, Sitting Bull, and Crazy Horse. Oklahomans will find interest in those parts recounting the Washita campaign, the Adobe Walls and Buffalo Wallow fights, and Mackenzie's affair in Palo Duro canyon, The major portion of the action, however, occurs in the north. This is natural, since the Sioux and related tribes were more numerous than the southern Indians, more cohesive in their efforts, and probably more ably led; as a result, their battles with the troops were in general more noteworthy, and frequently resulted in victory for the Indians.

In spite of the rather wide scope of *Death on the Prairie,* the battle descriptions are given with a wealth of detail which suggests that the author may have used sources additional to the excellent yet secondary bibliography cited. This detail adds to the value of the book by giving it a flavor of authenticity which is genuine, and aids the reader in a visualization of what occurred. The student may rely on the general accuracy of the book. Doubtless Mr. Wellman would be the last to deny that it does not contain errors; how-

ever, those evident to this reviewer do not appear of any consequence. For example, Mackenzie's name is not spelled as that officer himself spelled it; and Satanta was not captured as a result of the Wichita agency fight in August of 1874, but surrendered at Darlington some weeks later. However, it is unlikely that these mistakes would have annoyed either Mackenzie or Satanta.

Death on the Prairie deals very fairly with the Indians. It emphasizes clearly the basic fact—now widely recognized—that the Indian wars on the plains were caused primarily by the acquisitiveness of the white man. The author did not touch on that less-known side of the controversy, that after the Civil War the government made sincere efforts to civilize the Indians by peaceful methods. Whether we now agree that the white man's civilization was what the Indian desired or needed, we cannot deny that a group of high-minded idealists made more-than-reasonable attempts to wean the prairie tribes from their nomadic and warlike habits by an application of the Golden Rule. That this Peace Policy failed was not wholly the fault of the white man. For example, we cannot excuse all the scalpings and kidnappings in Kansas and Texas, nor the forays on the unoffending inhabitants of northern Mexico, on the ground that the Indians were defending their home reservations against white aggression. No; Mr. Wellman spoke truly when he stated that the Indian made war for sheer individual honor and renown. Nevertheless, readers of Indian descent can feel a thrill of pride in the courageous exploits of their fathers, accomplished against a foe who had superior weapons and other material advantages. And no one can fail to regret the martyrdom of such great leaders as Crazy Horse and Sitting Bull.

Death on the Prairie contains a number of valuable photographic illustrations, many of which will be recognized as having come originally from the famous Soule' collection.

—Captain W. S. Nye

Fort Sill, Oklahoma.

Military Posts and Camps in Oklahoma. By William Brown Morrison. (Oklahoma City: Harlow Publishing Corporation, 1936. XVI.+ 180 pp. Bibliography. $2.50).

This account pictures the establishment of military posts and camps in Oklahoma. The author presents in rather interesting fashion the part they have played in the history of the state. He also describes the final chapters in the history of each which is non-existent today. One of the most helpful features of the book is the account of the daily life of these frontier garrisons. In this work are found worthwhile discussions of topics relating to the military field. The author has also treated the relation of the missionaries to the military posts in Oklahoma. He traces the development of Fort Coffee Academy, at old Fort Coffee, the work of saintly Cyrus Byington at Fort Towson, the development of Prairie Grove Mission near Fort Washita, and other aspects of early missionary endeavor. In addition he includes other topics which have a bearing upon this subject.

While Dr. Morrison has published some of this material as separate articles, much new data is presented. The study is based partly on primary source material. Dr. Morrison has also consulted a number of the best secondary works in this field, including Dr. Grant Foreman's scholarly work, *Advancing the Frontier.* He, too, has gained information through letters and personal contacts. However, he may have occasion to change some of his conclusion when he has read Capt. W. S. Nye's painstaking manuscript study of the history of Fort Sill. While certain minor errors may be detected, on the whole this work is a worthwhile contribution to the history of the western military frontier of the United States.

An attractive feature of *Military Posts and Camps in Oklahoma* will be found in the artistic pen sketches attractively drawn by Phoebe Ann White.

—James W. Moffitt

Oklahoma City, Oklahoma.

NOTES

The Oklahoma Historical Society is seeking to preserve the history and records of the state. The Society wishes to express its appreciation of gifts from county officials, state officials, colleges, universities, individuals, the WPA and other Federal agencies.

Plans are being formulated for the observance of outstanding anniversaries in the history of Oklahoma. The removal of the Five Civilized Tribes, the various "openings," and other important events should be suitably commemorated.

Carolyn Thomas Foreman's monumental *Oklahoma Imprints* is a valuable addition to the history of printing in the United States. A suitable review of this work will appear in a subsequent issue of the *Chronicles of Oklahoma.*

At the winter meeting of the Oklahoma Archaeological Association honorary life membership was bestowed upon Dr. Joseph B. Thoburn, Miss Eva Connor and Dr. Forrest Clements.

Mr. Dan W. Peery, former secretary and research writer of the Oklahoma Historical Society, has contributed to the Society some interesting material on the administration of A. J. Seay, former territorial governor of Oklahoma, and on early conventions in this state.

The friends of Monroe Tsa-to-ke were saddened to learn of the untimely death of this splendid young Kiowa artist. He has left a splendid memorial in the Oklahoma Historical Society through his beautiful murals.

An important announcement will be made when definite plans have been formulated for marking historic spots in Oklahoma.

The library of the Oklahoma Historical Society would like to have the following issues of the *Chronicles of Oklahoma*:

Vol. I, Nos. 1 & 3, 1921-23
Vol. V1, Nos. 1 & 4, 1928
Vol. VII, No. 1, 1929
Vol. VIII, No. 3, 1930

The Oklahoma Historical Society is sponsoring an Oklahoma History contest for seniors; one for seniors in High-school, and one for seniors in Junior Colleges.

There are two allotments of prizes:

First prize—$25.00, Second prize—$20.00, Third prize—$15.00, Fourth prize—$10.00, and Fifth prize—$5.00. The prizes for each respective allotment are to be offered senior class students for the best article on towns, individuals who are deceased, true stories of experiences, early events in Oklahoma derived from family sources, instances of adventure in the early days of Oklahoma which old people could tell to their grand-children, experiences of pioneer settlers, or any other interesting events concerning Oklahoma history.

The paper must contain not less than twenty-five hundred words, and not more than five thousand. It must have a bibliography and foot-note citations. The paper must be accompanied by a certificate from the principal of the school that it is the original work of the student. Two typewritten copies of the article must be filed with the Secretary of the Oklahoma Historical Society, James W. Moffitt, Historical Building, Oklahoma City, Oklahoma, by April 15, 1937. The Committee in charge of the contest is as follows:

Emma Estill-Harbour, Chairman, Edmond, Oklahoma
A. N. Leecraft, Durant, Oklahoma
John B. Meserve, Tulsa, Oklahoma
Robert A. Hefner, Oklahoma City, Oklahoma.

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE OKLAHOMA HISTORICAL SOCIETY, JANUARY 28, 1937

The President, Judge Thomas H. Doyle called the meeting to order in the Historical Building, Oklahoma City, Oklahoma, January 28, 1937, at 10:00 A. M.

The Secretary called the roll which showed the following members present: Judge Harry Campbell, Judge Thomas H. Doyle, Judge Thomas A. Edwards, Mr. George H. Evans, Dr. Grant Foreman, Mr. James H. Gardner, Dr. Emma Estill-Harbour, Judge Samuel W. Hayes, Judge Robert A. Hefner, Mrs. Frank Korn, Col. A. N. Leecraft, Mrs. Jessie E. Moore, Mr. W. J. Peterson, Mr. Jasper Sipes, Judge Baxter Taylor, Dr. Joseph B. Thoburn, Judge William P. Thompson, Mrs. John R. Williams, Judge R. L. Williams and James W. Moffitt, the Secretary.

Gen. Charles F. Barrett, Dr. E. E. Dale, Mrs. Blanche Lucas and Mr. John B. Meserve had reported their inability to attend this meeting, and on account also of the inclement weather all absentees were excused upon motion duly seconded and carried.

The Secretary presented the minutes of the Board meeting held October 29, 1936, and upon motion the reading of the minutes was dispensed with at this time.

The President announced that Dr. Forrest Clements, Associate Professor of Anthropology of the University of Oklahoma was present.

Judge R. L. Williams moved that the regular order of business be suspended and that Dr. Clements be invited to address the Board members.

Dr. Forrest Clements gave a report on the archaeological excavation of mounds near Spiro, Oklahoma, which report is to be written up in detail and filed.

Judge Thomas A. Edwards transmitted two photographs showing the arrival of the railroad at Duncan in 1893 and a street scene in Duncan in 1894, donated by Mr. J. R. Prentice, president of the First National Bank at Duncan; and also a donation of Mrs. Fay L. Crossett, of Davis, Oklahoma, consisting of the Proceedings of the Indian Territory Press Association held at Ardmore, 1899, and an Industrial write-up of Oklahoma City, Oklahoma Territory, 1903.

Judge R. L. Williams moved that Mr. J. R. Prentice be thanked for his donations. Motion was seconded and carried.

Judge Thomas A. Edwards moved that Mrs. Fay L. Crossett be thanked for her donations. Motion was seconded and carried.

Dr. Grant Foreman presented three photographs to the Society; A monument to Sequoyah in northern Georgia, the home of John Ross in Chattanooga, Tennessee and the home of Joseph Vann, Springplace, Georgia, a gift of Dr. Robert Mitchell, Veterans Hospital, Muskogee.

Upon motion they were received and the Secretary was instructed to express the thanks of the Society to the donors.

Judge R. L. Williams presented a group picture of early Ardmore residents, a gift of Mr. E. H. Hubbard.

Judge R. L. Williams moved that the Secretary be authorized to write letters of thanks to all donors of gifts. Motion was seconded and carried.

Judge R. L. Williams moved that no person be permitted to copy research records out of the files of the Society without leaving a copy of their research. Motion was seconded and carried.

The Treasurer, Mrs. Jessie E. Moore, presented her report for the fourth quarter.

Judge R. L. Williams, chairman of the committee to preserve the Robert M. Jones cemetery, made a report and also asked authority to use a part of the private funds of the Society not to exceed $460.00 to take care of the details in securing construction of a wall around said cemetery.

Col. A. N. Leecraft moved that the Society furnish Judge R. L. Williams $460.00 or as much thereof as needed in the Robert M. Jones project. Motion was seconded and carried.

Mrs. Jessie E. Moore reported on the restoration of the old Chickasaw capitol at Tishomingo, and requested that the Secretary write a letter to Clive E. Murray, president of the Murray School of Agriculture, thanking him for his assistance in helping to move and restore this building.

Mrs. Jessie E. Moore discussed the archaeological work that has been done at various times in the State, under the direction of Dr. Joseph B. Thoburn, and stressed the necessity of having these reports written up and published.

Judge R. L. Williams moved that the question of publishing monographs covering these subjects be referred to the Editorial Committee. Motion was seconded and carried.

Judge R. L. Williams reported on the progress of the work in the Sequoyah Park and on the restoration of the old Sequoyah home.

Dr. Grant Foreman gave a report on the work done under the WPA project in the Historical Society and stated that the Union list of newspapers had been made and filed in Washington, and also outlined the plan of the work to be done under the new WPA project of which he is the Director, and explained the necessity of supplies.

Judge R. L. Williams moved that $625.00 of the Publication Fund, still unassigned, be transferred, with the approval of the Governor, to the Supply Fund, $250.00 of which is to be available to purchase envelopes, paper and stamps for the new WPA project under the supervision of Dr. Grant Foreman, and the balance for any purpose that is necessary and within any purpose permitted by the Legislature. Motion was seconded and carried.

The President requested Dr. Emma Estill-Harbour, Vice President, to take the chair.

Judge Thomas A. Edwards discussed the interest in the Historical Society evinced by Leonard J. Woodruff and moved that he be elected an honorary life member. Motion was seconded and carried.

Judge Thomas H. Doyle moved that Herman Edwin Mootz, author, be elected an honorary life member. Motion was seconded and carried.

Dr. J. B. Thoburn moved that Judge A. G. C. Bierer, Judge J. R. Keaton and Judge Charles W. Raymond, Mrs. Mary Athey Osborn and Isaac H. Athey be elected honorary life members. Motion was seconded and carried.

Judge Thomas H. Doyle nominated all former Oklahoma Governors now living and all living Chiefs and Governors of Indian Tribes as honorary life members of the Society.

Judge R. L. Williams moved that all former Governors of the Territory of Oklahoma and the State of Oklahoma that are now living and all the living Chiefs and Governors of the Five Civilized Tribes and other

Tribes in Oklahoma shall be placed on the rolls of this Society as honorary life members. Motion was seconded and carried.

Dr. Frant Foreman made a report on the Fort Gibson project.

Judge R. L. Williams, chairman of the employment committee, reported that applications had been received for the position of librarian, and read their recommendations.

Judge Thomas H. Doyle moved that Miss Margaret McGuire, the present incumbent, be continued as librarian until the regular meeting of the Board of Directors in July and that a librarian be then elected. Motion was seconded and carried.

Judge R. L. Williams moved that the Secretary be requested to have copies made of all endorsements of applicants for librarian and furnish them to each member of the Board before the next meeting in July. Motion was seconded and carried.

Judge R. L. Williams discussed the next annual meeting of the Society, and moved that it be held at Chickasha. Motion was seconded and carried.

Judge R. L. Williams moved that we thank the citizens of Chickasha for their invitation to hold the meeting there, and also Shawnee be advised if she wishes to renew her invitation to hold an annual meeting there that it will be considered, and that Shawnee be thanked for her invitation. Motion was seconded and carried.

The Secretary read the following list of applicants for membership in the Society:

LIFE: Raymond Orvel Weems, Oklahoma City.

ANNUAL: Mrs. Mary Graham Brannin, Ochelata; Mrs. Ida K. Bridwell, Claremore; Charles C. Bush, Jr., Alva; John B. Davis, Siloam Springs, Arkansas; Mrs. Lilliam Downs, Oklahoma City; Mrs. Verner G. Early, Oklahoma City; Mrs. Walter Ferguson, Tulsa; J. E. Graham, Tulsa; M. D. Green, Oklahoma City; James W. Hammett, Claremore; Nadine Heiden, Oklahoma City; Mrs. Susie Kidwell, Ramona; Roy Krows, Vici; Eugene P. Ledbetter, Oklahoma City; Dr. Jesse S. Little, Minco; Gaston Litton, Oklahoma City; Paul G. McGuire, Fairfax; Malcolm C. Mandeville, Chickasha; Mrs. Helen Masoner, Oklahoma City; John C. Powell, Sulphur; Dr. Carl C. Rister, Norman; S. W. Ross, Park Hill; Mrs. Thelma V. Sansbury, Oklahoma City; Samuel J. Smith, Kansas City, Missouri; Kittie Sturdevant, Oklahoma City; Mrs. Ella Townsend, Bristow; Frank Tozer, Oklahoma City; Mrs. W. H. P. Trudgeon, Oklahoma City; Homa Wood, Wichita, Kansas; John Woodsworth, Oklahoma City and Mrs. Sallie Graham Yarbro, Ada.

Judge Harry Campbell moved that they be elected and received into membership. Motion was seconded and carried.

Judge R. L. Williams moved that a committee of five be appointed to arrange a program for the annual meeting, and confer with the President of the Oklahoma College for Women, the Mayor and the Chamber of Commerce of Chickasha about the date of the meeting. Motion was seconded and carried.

Judge R. L. Williams moved that the President and Secretary be authorized to make requisition for five steel filing cases for cards made by the WPA workers. Motion was seconded and carried.

The President appointed the following committee to file requisitions for the WPA project: The President, the Secretary, Dr. Grant Foreman, Dr. Emma Estill-Harbour and Judge R. L. Williams.

Mr. Jasper Sipes presented the portrait of Dennis T. Flynn, second delegate to Congress from Oklahoma Territory.

Judge Thomas H. Doyle presented the portrait of Judge James S. Davenport, present presiding Judge of the Criminal Court of Appeals.

Judge Thomas A. Edwards presented the portrait of John N. Abernathy, an '89er, the gift of his son Roy Abernathy.

Judge R. L. Williams moved that these portraits be accepted and the donors thanked. Motion was seconded and carried.

The Secretary reported for the Library and Museum Committee, recommending that markers for portraits be secured, which upon motion, duly seconded, was approved.

The matter of further employment of Dan W. Peery, former Secretary, was referred to the Publication Committee.

Mrs. John R. Williams, of the committee on securing portraits, read her report.

Mrs. Frank Korn, in accord with recommendations of Mrs. John R. Williams, moved that all pictures of the members of the Board of Directors be made 8x10 inches with a 2 inch mat. Motion was seconded and carried.

The President appointed the following committee to arrange a program for the annual meeting to be held at Chickasha: Mr. George H. Evans, Chairman, Judge Samuel W. Hayes, Judge Baxter Taylor, Mrs. Frank Korn and Judge Robert A. Hefner.

Mr. James H. Gardner made a report on the work done by his committee to locate and mark historical spots in Oklahoma.

Judge R. L. Williams moved that the next quarterly meeting of the Board be not held in April but postponed until July, and that the report of the Secretary and reports of the various committees be given at that time. Motion was seconded and carried.

Upon motion the meeting stood adjourned.

JUDGE THOMAS H. DOYLE, President,
Presiding.

JAMES W. MOFFITT,
Secretary.

NECROLOGY

JOHN DILLON SEAMAN.

A worthwhile character of the concluding Territorial days was John Dillon Seaman who was born at Benton, Elkhart County, Indiana, on February 15, 1840. He married Hadasah J. Grant of Benton, Indiana, on June 16, 1858. She was born in Indiana on April 19, 1841 and passed away at Tulsa, Oklahoma, on May 30, 1911. In the spring of 1872, Mr. Seaman removed with his family to Kearney, Buffalo County, Nebraska where he engaged in the grain business for several years. He was elected to the State Senate from Buffalo County in 1879 and after the conclusion of his four-year term, removed to North Platte where he occupied a responsible position in the Government Land Office. Ill health prompted his removal to Cabool, Missouri, in 1891 and from that place to Tulsa, Oklahoma, Indian Territory, in 1893. He was initially engaged in the contracting business in Tulsa and took a prominent and engaging part in the social, business, and political life of the old Indian Territory. He became a recognized Republican leader in the Territory and was chosen as a delegate to the Republican National Convention held at St. Louis, in June, 1896.

Mr. Seaman was appointed postmaster of Tulsa on November 22, 1898, by President McKinley, being reappointed by President Theodore Roosevelt on December 15, 1902, and again on December 20, 1906, and was serving in that position at the time of his demise. His service as a public officer was of the highest character. He passed away at Tulsa on October 24, 1907, and rests in the Oaklawn Cemetery at that place.

"Captain" Seaman, as he was affectionately called, although the title had no significance of any military service, was a typical representative of the old order of things. He was progressive however and became a strong advocate of Statehood but was denied, by a few days, a realization of his dreams in that regard.

John D. Seaman was a man of the highest character and integrity.

—J. B. MESERVE.

Tulsa, Oklahoma.

1937 ANNUAL MEETING

of

OKLAHOMA HISTORICAL SOCIETY

at

OKLAHOMA COLLEGE FOR WOMEN

Chickasha, Oklahoma

Thursday, April 22

5:00 p.m. Registration of Membership, New Chickasha Hotel

6:30 p.m. Dinner Meeting, New Chickasha Hotel

Program—Entertainment, Oklahoma College for Women Students

"Reminiscences," Judge Robt. L. Williams

"Battle of Wichita Village," Capt. W. S. Nye, U.S.A., Fort Sill

Friday, April 23

9:00 a.m. Morning Program, Oklahoma College for Women, Austin Hall Parlors

Theme: Local Grady County Area History

Interviews with "Old Timers"

10:00 a.m. College Auditorium Program

The College Orchestra

Introduction of Officers of the Society to the Student Body

"Story of Origin of Oklahoma College for Women," Judge Robt. L. Williams

Oration "Oklahoma," Judge Guy C. Cutlip, Wewoka

11:00 a.m. The Business Session

12:00 noon Luncheon in the College Dining Halls

1:00 p.m. Tour of Anadarko Historical Sites, C. Ross Hume, Anadarko, Director.

Camp Napoleon, Verden; Civil War Camp; Federal Building, Murals by Indian Artists; Museum, City Hall; Riverside Indian School, Indian Dances; Black Beaver Grave; Old Masonic Hall; R. L. Boaks, Indian Trader, Relics; St. Patrick's Mission, Murals.

Program Committee:

George H. Evans
Robert A. Hefner
Samuel W. Hays
Anna B. Korn
Baxter Taylor

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1937

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REV. ERSKINE BRANTLEY, D.D.

The Chronicles of Oklahoma

Volume XV June, 1937 Number 2

REVEREND ERSKINE BRANTLY, D. D.

By R. L. Williams

Reverend Erskine Brantly (1850-1936) was born at Brick Church, Giles County, Tennessee, February 1, 1850. He was the son of Reverend Edward Theodore Brantly, whose father was Captain Jack Brantly, of Dutch descent a former citizen of Holland who served on the side of the Colonies as a soldier in the Revolutionary War and received for his service a bounty of land in Dallas County, Alabama. The mother of Doctor Brantly was Eliza Brown Brantly, the sister of Neil S. Brown,[1] who was born in Giles County, Tennessee in 1810. He went to Texas in 1835 but returned to his native state of which he was elected Governor on the Whig ticket in 1847. After the Civil War he aligned himself with the Democratic Party. John C. Brown, another brother of Mrs. Brantly,[2] was born January 6, 1827, also in Giles County, Tennessee. Their father was Duncan Brown, and their mother, Margaret Smith Brown, both of Scotch descent, who came to Tennessee from North Carolina in 1808.

John C. Brown, in 1860 an elector on the Bell and Everett ticket, presided at the Constitutional Convention of Tennessee in 1870. Running on the Democrat ticket at the first election held after the adoption of the Constitution framed by this Convention, he was elected and served as Governor from 1871 to 1875. During the Civil War both John C. and Neil S. Brown were active in the cause of the Confederacy and held important places in its service.

[1] Caldwell's *Sketches of the Bench and Bar of Tennessee*, page 362. Speer's *Sketches of Prominent Tennesseans.*

[2] Caldwell's *Sketches of the Bench and Bar of Tennessee*, page 291; Speer's *Sketches of Prominent Tennesseans.*

During his young manhood Doctor Brantly's brother, Judge Theodore Brantly, removed from Tennessee to Illinois where he filled the chair of Ancient Languages in Illinois College. He subsequently removed from there to Montana about the time of the admission of that state into the Union and there he engaged in the practice of law at Deer Lodge, in Powell County, until he was elected District Judge about four years later.

On January 3, 1899, Judge Brantly was promoted by the people to the office of Chief Justice of the Supreme Court of the state, in which station he was continued by reelection until near the time of his death, on September 16, 1922, shortly after he had been obliged by ill health to resign. His tenure as Chief Justice on the Supreme Court covered a period of nearly 24 years and his opinions were published in 42 volumes of the Montana Reports beginning with No. 22 and ending with No. 64.[3] A half-brother, William P. Brantly, resides in Nashville, Tennessee. Two half-sisters, Mrs. E. T. Fleming and Miss Allie Brantly, live on the old Brantly farm near Milton in Rutherford County, Tennessee.

After preparation for college at his father's private school on the Brantly farm in Rutherford County, Tennessee, young Erskine Brantly entered Stewart College, at Clarksville, Tennessee, afterwards Southwestern Presbyterian College, and later removed to Memphis, Tennessee, from which he was graduated in June, 1873, with the degree of Bachelor of Arts. In 1874 he entered Union Theological Seminary, Hampden-Sidney, Virginia. In 1913 he received the degree of Doctor of Divinity from Austin College, Sherman, Texas.

Dr. Brantly was twice married, first to Miss Charlotte E. Foster, of Wilson County, Tennessee, in June, 1877. From this period he served two churches in South Carolina, Zion Church in Chester County and Olivet Church in York County, until 1880.

[3] 64 *Montana Reports*, pages VII to XXXIII.

From 1880 to 1882, he served Woodberry, Nashville Presbytery in Tennessee. In the latter part of 1882 he came to Collinsville, Grayson County, Texas, where he remained until January, 1885. During this period he organized churches at Collinsville and Whitesboro, in Grayson County, Texas, while he was teaching school at Collinsville. In 1885 he became supply-pastor of the First Presbyterian Church at Waxahachie, Texas, and served in this capacity until 1892. By his first wife he had two children, Mrs. J. K. Gililland, of Tipton, Oklahoma, and Robert Theodore Brantly, of Grandfield, Oklahoma. Their mother died August 19, 1891, whilst he was pastor at Waxachachie, Texas, where she is buried. Dr. Brantly was again married January 6, 1896, to Miss Mary McMillan, by whom he had no children. She died in Dallas, Texas, July 15, 1924, and is buried at Waxahachie, Texas.

Dr. Brantly was pastor of the First Presbyterian Church of Decatur, Texas, from 1892 until 1895, while serving Chico, in Wise County, and West Fork, in Tarrant County. In 1895 he moved to Eddy (now Carlsbad), New Mexico, continuing there until the spring of 1897, also serving the churches at Pecos and Barstow, Texas, and organizing a church at Roswell, New Mexico. In the spring of 1897 he returned to Waxahachie, Ellis County, Texas, whence he served churches at Midlothian, Palmer, Lone Elm, and Grove Creek. In 1902, as a missionary representative of the Southern Presbyterian Church, he came to Antlers, Indian Territory, where he organized a church and established a school. There he continued his school work and his ministry until the erection of the State of Oklahoma on November 16, 1907, when he was elected County Superintendent of Schools of Pushmataha County, at the same time continuing his church work. As School Superintendent of this large mountainous county his work consisted in laying off, and organizing school districts and establishing schools under unusual difficulties incident to educational work in such new and unorganized territory. These difficulties were increased by the fact

that little of the land area of that county at that time was taxable. He continued as pastor of his church at Antlers until his death.

During the World War, Dr. Brantly was a member of the selective service draft board of that county and chairman of the Red Cross Chapter at Antlers. He served as trustee of the Oklahoma Presbyterian College for Girls at Durant from its founding, and continued in this capacity until a short time before his death. He was also trustee of Austin Theological Seminary at Austin, Texas, for many years. He served on committees appointed by the General Assembly of the Presbyterian Church of the United States (Southern Branch) in efforts to settle questions concerning the organic union of all Presbyterian bodies in the United States.

Dr. Brantly died December 26, 1936, at Antlers, Oklahoma, where he is buried. A few months before his death a beautiful stone building was completed on the lot where he established the Antlers school in 1902, which during the intervening years prior to the erection of the state was managed and taught by him. Though a private school, no child was ever turned away because its parents were unable to pay tuition. To those who were unable to pay it was a public school. Upon the walls of this building when dedicated as the Brantly School in enduring letters it was so inscribed.

A local poet composed the following lines relative to him:

It was mid day in his lifetime,
His thoughts were pure and good;
He built himself a home,
As all right thinking people should.

His love was for his neighbors,
And his code, The Golden Rule.
In that thinly settled village
He built a three room school.

In those days, they had no taxes,
And meager was his pay;
But money was not his motive—
Not a child was turned away.

With his help the city prospered,
In knowledge and in wealth;
But it too, felt the blow
The so-called "Depression" dealt.

It was he in life's twilight,
With his thoughts still pure and good,
That made a new school building possible
Where his first school building stood.

Unlike the three room structure,
That has long since passed away,
It is made of stone and steel,
And we trust will always stay.

In my mind there is a picture
Of a fair and beautiful day,
And that strong and lovely building
For which he helped to pay.

As the workmen placed the letters
That spell his honored name,
I see the tears roll down his cheeks
As he leans upon his cane.

When he casts down life's burden,
And the last milestone is past—
In the hearts of his neighbors
His memory will forever last.

Dr. Brantly was consistent in all the walks of life. An old School Presbyterian, he was wedded to the fundamental teachings of his ancestors, and not only believed in but practiced the keeping of the Sabbath holy. He carried out this precept by performing none but necessary labor; nor would he read his mail or newspapers on that day, this illustrating the faithful and holy man and good citizen that he was. At the same time, he was not only a good, but a great leader, faithful to his country in time of war. Minister, Missionary, Educator, and Statesman—he illustrated these callings in a high degree.

Soon after his arrival in Indian Territory I fortunately became acquainted with him and from that early period until the day of his death he and I were constant friends. One a follower of John Knox; the other of John Wesley.

All during his adult life politically he was identified with the Democratic Party, as were his two distinguished uncles after the Civil War, though prior to that time they were Whig leaders in Tennessee. For all of the state-wide political offices to which I ever aspired I was so fortunate as to have his support. During the years before I was appointed to the United States District Bench I was active in politics. As a rule about a week before the date of the State General Election I would cover the southeast part of the state in behalf of the State and local tickets and make an address at Antlers. Dr. Brantly invariably introduced me. Whilst I was Governor I knew if I had done anything officially not meriting his approval he would not continue to introduce me, such was the consistency of his character and convictions.

It was a matter of consolation to me to know that this able, common sense, rugged, devoted, fearless man of God and statesman approved my administration. When my name was urged for consideration as United States District Judge a persistent fight was made against me. It so happened that he and the Attorney General of the United States were long time friends, years before

both having served at the same time as trustees of Austin Theological Seminary, at Austin, Texas. He voluntarily stood sponsor for me and unsolicited wrote a letter to the Attorney General, a copy of which he sent me.

When I was appointed United States District Judge he was in his seventy-third year. Supposing he would be planning at that age to relax his ministerial activities, I wrote him a letter tendering him appointment as United States Commissioner at Hugo, Oklahoma. The emoluments and fees of that office at that time were as compensatory as any other commissionership in the district, and I assumed he would accept the appointment. I did not hear from him for about three weeks, when I received a letter in which he said he appreciated the offer very much, and as far as material matters were concerned he needed it, but he had decided he couldn't accept it; that his duty was to continue his work in the ministry; that whilst he only received $600.00 per annum for his little church at Antlers which was near Hugo, yet he had his own home there and by living frugally and economically he could live on that salary and save a part of it; with thanks and appreciation he declined such appointment.

After the election in 1928 I was discussing with him the Presidential election, with a view of finding out whether he voted for Governor Al Smith for President. He very frankly told me he did. He said that if he had been a member of the nominating convention he would not have there voted for him, but that after he was nominated, realizing he was a man of high character there was no moral reason to refuse to support him; that he believed there should be no religious qualification for public office, and for that reason he voted for him. A great, good and true man —among the greatest, best and truest has passed away.

After the preparation of this article I submitted it to Professor E. L. Rodman, Superintendent Antlers Public Schools, a long time

friend and member of Dr. Brantly's church, who wrote me as follows:

> "It is a very fine, fitting tribute and just the type he would appreciate as coming from you. I cannot think of any change or addition to this paper unless reference should be made to his original and continuing unalterable opposition to woman suffrage. In his last years he deplored what he considered an unerring trend to an increasing national centralization of power and consequent restriction of the sovereign rights of the states. He was strong in his conscientious convictions against national prohibition from the date of the submission of the 18th Amendment to the end of his life."

I had not made reference to the matters mentioned by Professor Rodman for the reason that I thought probably the public would not understand. Dr. Brantly was ever an advocate of temperance and prior to the agitation of the question of national prohibition an unfailing supporter of local option and state-wide prohibition. Though a minister unceasing in his work, he was a statesman and thought along fundamental lines and fundamentally he believed the proposal of national prohibition to be a mistake. As to woman suffrage he believed it was contrary to the teachings of the Bible and not in harmony with the unit of the home, which he believed was the central post of our civilization. I have ever believed that in recording history all should be told and recorded, and for that reason I have set out this communication from Superintendent Rodman. I close this article with reverence to the memory of one of the greatest men with whom it has been my lot to come in contact.

EDUCATION AMONG THE CHICKASAW INDIANS

By Carolyn Thomas Foreman

The missionaries did not extend their activities to the Chickasaw Indians as early as they did among the other nations of the Five Civilized Tribes located farther east. The earliest record of a Chickasaw youth being sent away to school was Pitman Colbert who attended a school in Maryland in 1803; he subsequently became one of the leading men in his nation.[1] In 1820 the Missionary Board of the Cumberland Presbyterian Church started a school among the Chickasaws called Charity Hall, under the superintendency of the Rev. Robert Bell; it was located three miles from Cotton Gin Port. Here some of the Indians who afterwards became noted in their tribes received their first schooling.[2]

The next school in the Chickasaw Nation was established at Monroe in 1821 by the Missionary Society of the Synod of South Carolina and Georgia. That the Indians had become deeply interested in the education of their youth is indicated by a letter from James Monroe "To the Chiefs & Head Men of the Chickasaw Nation, Washington, May 24th 1824. My Children. I have received, and read with great pleasure your talk to me sent by your Brother Major Smith.

"My children. You have taken a wise step, you have done what all good men, & wise men will approve of. You have agreed to apply your annuity for 1821, and three thousand dollars a year out of your annuity as long as it lasts to the improvement of your Children. This is wisdom. . ."[3] A school was begun January 15, 1827, on Caney Creek, nine miles west of Tuscumbia. In 1830 the

[1] *A Traveler in Indian Territory*, Grant Foreman (Cedar Rapids, Iowa, 1930), p. 168, n. 91.
[2] *Chronicles of Oklahoma*, September, 1933, pp. 912-26.
[3] OIA. F-91 Letter Book No. 1, p. 81.

government suspended the payment of money to these schools as part of its plans to drive the Indians out of the country.[4]

James Perry, a Chickasaw youth, delivered a commencement address at Jefferson College in 1824, when he was only nineteen; it attracted much attention and was printed in newspapers in the North and East. Young Perry had received his early education at Elliot Mission.[5]

In 1825 Col. Richard Mentor Johnson established his school at Blue Springs, Scott County, Kentucky; while it was called the Choctaw Academy and was first attended by boys of that nation, in later years it was patronized by members of other tribes. In 1828, Dougherty Colbert, son of Levi Colbert, a chief of the Chickasaws, was sent to school with the hope that he could learn to be a surveyor. He spent two years in the home of Thomas C. McKenny, Commissioner of Indian Affairs, at Washington.[6] In that same year Peter P. Pitchlynn made charges against the Choctaw Academy which Colonel Johnson repudiated in no mild terms.[7] In 1834 and 1835 nineteen Chickasaw lads were enrolled at the Academy and the next year nine were in attendance. Five Chickasaw boys were taken to the Kentucky school in August, 1837, and in October of the next year the superintendent, the Rev. Thomas Henderson, reported the names of 58 Chickasaw lads in the school. In January, 1839, William Armstrong, Acting Superintendent of the Western Territory, wrote the War Department that he was sending a party of Indians to the Choctaw Academy, and he listed the names of five Chickasaws, two of whom were full bloods.[8]

When the government removed the Chickasaws to the West in 1837 and located them among the Choctaw people it worked a great hardship on these Indians, causing jealousy and bickering

[4] Grant Foreman, *The Five Civilized Tribes*, p. 99.
[5] *Ibid.*
[6] *Ibid.*, p. 110, n. 2.
[7] *Chronicles of Oklahoma*, December, 1928, pp. 453, 461, 463.
[8] *Ibid.*, March, 1932, pp. 82, 84, 90, 97, 100.

for years. The Chickasaws were not willing to build homes, churches, or schools on the land of another tribe and it was not until December, 1844, that a bill was passed to establish a manual training school among them. They had chosen a body of men to act as commissioners, endowing them with some powers to govern the tribe. These men were Isaac Alberson, Benjamin Love, Sloan Love, James Gamble, Joseph Colbert, James Wolf, Winchester Colbert, Capt. Chickasaw, Nah nubby, Ish hit tata, E bah ma tubby, New Berry and William Barnett. The manual training school was to be under the care of the Methodist Episcopal Church, South.[9]

However, in 1847 the Chickasaws were still without schools, although Upshaw, their agent, reported: "The Chickasaws have great anxiety to have their children educated, and what is more astonishing, the full-bloods show as great a desire as the half-breeds; but they are *all* very anxious on this all-important subject."[10]

In 1848 the Chickasaw delegation in Washington secured an order for Colonel Jackson of the Choctaw Academy to turn over the Chickasaw lads in his school to Peter P. Pitchlynn, whom they had appointed their agent to locate the boys in another school. They requested that no money be spent by Johnson to outfit them before they quitted his school as they wished to make the purchases themselves. Pitchlynn was to advise them as to the school or schools where the lads were to be sent. Four more students were to be sent away to school as soon as the delegation reached home.[11]

Isaac Alberson, Chairman of the Committee, on January 29, 1848, wrote to the Chief and Captains of the Chickasaw people, from Post Oak Grove, Chickasaw District: "We desire that two more schools be established in our district one for male and one for Female and our Agent is requested to inform the Department, of the amount that in his judgment may be necessary for them to

[9] Foreman, *op. cit.*, p. 107.
[10] *Ibid.*, p. 113.
[11] Office Indian Affairs, School File C 178-191. Washington. 1848. C-148.

retain out of the interest arising on our general fund for establishment of said School. . ." This was approved by Chief James McLaughlin February 2, 1848.[12] But still no school was begun.

In March, 1848, A. V. Brown, Holmes Colbert, Frederick McCala, and Benjamin McLaughlin, Chickasaw boys, were taken east to school by Robert Love. The commissioner of Indian affairs selected Delaware College at Newark, Delaware,[13] for Holmes Colbert. He was reported an apt student by the principal of the college, who wrote that he had made some progress in Latin, although he had studied very little mathematics and no Greek. At the same time young Colbert had the companionship of four Choctaw boys who were attending Delaware College. Pitchlynn, with eleven boys from the Choctaw Academy, arrived on August 22, 1848, at Plainfield Academy in Connecticut.[14]

"The Choctaws have not only made provisions for the maintenance of eight large boarding schools in their own country. . . , they have sent on, during the last summer, to the care of this Department, five very interesting and promising boys, who have been . . . entered at Delaware College, and who, although never before out of their own country, were found sufficiently advanced after a few months preparation for admission into the freshman class, and where they have since, according to the report of the learned president of that institution, maintained their standing, manifesting mental capacity, industry and self-denying application fully equal to any of their associates."[15]

[12] Office Indian Affairs, School File U-30 etc. Chickasaw Agency. 1848.

[13] "Answering your letter of February 21, the University of Delaware, originally founded as Delaware College but commonly known through the first twenty-five years of its existence as Newark College, was chartered in 1833 and began functioning in 1834; suspended operations, due to financial difficulties in 1859; and was re-opened as a somewhat changed institution in 1870 (W. D. Lewis, Librarian, The Memorial Library, University of Delaware, Newark, Delaware, February 26, 1937.)

[14] Foreman, *op. cit.*, p. 116. Benjamin McLaughlin became one of the most prominent men in Indian Territory. He was the most extensive cattle raiser in the Nation. (*Indian Territory*, D. C. Gideon, 1901, p. 907).

[15] *Report* Commissioner of Indian affairs, 1848, p. 407.

The spring of 1849 found the Chickasaw Academy still unfinished; a meeting was held on July 16, when the chief and captains of the nation appropriated $5,000 to complete the school. They added $300 to send Colbert Carter and Zach Colbert away to school for three years. In 1851 the Chickasaw Academy, twelve miles northwest of Fort Washita, was finally opened under the direction of the Methodist Episcopal Church, South, with the Rev. J. C. Robinson as superintendent. At first only 60 pupils were registered, but later the full 120 for which the school was planned, were in attendance. In a short time the "Female Labor School" was located "on the grounds of Wah-pa-nucka." The building was a stone structure situated forty miles north of Red River; it was controlled by the Presbyterian Board, James S. Allen was superintendent with ten teachers under his direction.[16]

The writer of this account, while consulting Poole's catalogue, in the library of the British Museum, found an article in *The Chautauquan a Monthly Magazine* for March, 1894, written by Henry Pynchon Robinson which gives a most delightful picture of "The Chickasaws in Connecticut." Mr. Robinson was enthusiastic in his description of the Indians, as will be seen from the following quotations: "When late in the forties, it was proposed to receive into Plainsfield Academy, Conn.,[17] a company of lads from the Chickasaw tribe of Indians, a flurry of wonder and fear swept down the long, broad leafy street. Some declared their coming would scare away the white scholars, who were not quite ready to be scalped. . .

"Plainsfield people were never weaklings. . . [They] come from obstinate English stock. . . and had been educated for generations in one of the oldest academies in the state. . .

[16] Foreman, *op. cit.*, pp. 116, 125, 126.

[17] Plainfield, a post-village of Windham County, Connecticut, 16 miles N. N. E. of Norwich.

Doctor Alvan Bond of Norwich and Colonel Peter Pitchlynn, the famous Choctaw, brought the little band of aborigines to Plainsfield, Sept. 8, 1848.[18]

"There were at first eleven 'red Indian lads located in three of our best families, with Dr. William H. Cogswell,[19] Elisha Lord Fuller, and Henry Phillips; later a few newcomers were placed with Elkanah C. Eaton, Jr., until there were nineteen, whose ages ran from 12 to 20 years.

"The Chickasaw nation clustered about Tishomingo, their capital town, then numbered at low estimate 4,000 souls, located under the eaves of Fort Washita near the Red River along the Texas border. . . The expense of education here was about $200 each per year. . ."

Plainfield Academy was described as standing "upon a little hill above the long main street like Noah's ark on Ararat. Two black trap walls and a rock-ribbed lane lead up to the Athenian eminence that commands the land for miles around. . . In [its] best days it was a fine specimen of the olden-time school, and compared favorably with any in the state.

"Eliphalet Nott taught in Plainfield Academy and [married] here, the daughter of the Rev. Joel Benedict. . . He was afterwards president of Union College[20]. . . [and] others of hardly less weight

18 Pp. 707-08. "Rev. Alvan Bond of Norwich was minister of the Second Congregational Church in that city. He was a well-known man; an autobiographical sketch of him has been published. I cannot tell you if he left any descendants" (Albert C. Bates, Librarian, Connecticut Historical Society, Hartford, Conn., February 23, 1937.)

19 "The Dr. Cogswell to whom you refer, was probably Dr. Mason Fitch Cogswell who was well known for his attainments as a physician. He was the first in this country to perform the operation of removing the cataract from the eye. His daughter was a mute and because of this, he became much interested in the subject of education of mutes and was one of the founders of the American Asylum for the Deaf and Dumb in this city, now known as the School for the Deaf and located in West Hartford." (*Ibid.*)

20 Eliphalet Nott, D. D., LL. D., was born in Windham County, Connecticut, in 1773. He was for many years pastor of the Presbyterian church in Albany and became president of Union College, Schenectady, New York, in 1804. He is said to have held that office for almost sixty years. He was the author of "Counsels to Young Men" and "Lectures on Temperance." Dr. Nott died in 1866 (*Universal Pronouncing Dictionary of Biography*, Philadelphia, 1888).

[were educated there]." In 1848 the Rev. William A. Benedict, a native of New York, left the school. ". . . Yale College taught no better nor funnier physics than Plainfield Academy when, to prove the force of air, Mr. Benedict threw beans about the room with an air-gun; or with real lightning knocked down the thunder-house; or made boys ridiculous with their long hair standing on end; or with sharp electrical shocks 'rattled' a circle of them, ranged hand in hand.

"In the larger anteroom of the Academy under the care of Henry D. Burlingame, the first assistant, the Indian lads were placed at their benches, ample thick-wooded, chestnut desks, grown in our forests and made with generous provision for being initialed and hacked down by busy sculptors of the school.

"David Albertson [sic], only twelve when he came, delighted to wrestle at odds, getting down on his knees, and so handicapped, would tug and pull another to the ground, his long shining hair hanging in his opponent's face and eyes.

"Samuel Colbert was the most original and peculiar character. His hair, cut evenly around, curled up close and full about his ears. He was a very sly fisherman. . . He would come into the Cogswell yard, wet-legged and careless as any tousled sportsman, with his long string of chub, horned pout, dace, and pickerel . . . slipped on a forked stick.

"Jefferson Greenwood, tall and commanding in form, with a lighter shade of copper color was the noblest figure of them all. . ." He was dignified, "reserved and taciturn, he was looked up to by the rest as the leader.

"Most of the Indians had the pure copper color, with hair very black, shining, and straight; worn long, it framed in their features becomingly, but in wrestling it fell over their dark faces and their black eyes shining through gave them not a little of the wild Indian look. Sometimes they would turn their eyelids, the red insides out,

and putting chase to us, scare us half out of our silly wits, then playfully scalp us, in a way we enjoyed."

Mr. Robinson quotes from Mrs. Anna Cogswell Pynchon, who wrote: "Do you remember how the Indian boys used to gather in a circle under our big elm tree, just at twilight, and sing the chant by which they regulated their war-dance? I can hear now the monotonous repitition:-

'Oua-wa-nuty: qua-wa-nuty!

Ha-ha! Cup-a-na-nuty!

Cup-a-na-nuty: qua-ha-ha!'

with the regular beat of hands and feet as they kept time to it."

Mrs. Pynchon recalled Sam Colbert's ambition to become a doctor or "Alick-chi," as he called it. "He found in our garret a pair of old saddle-bags," dating back to the time when patients were visited on horseback, "and he used to knock at our front door and with the saddle-bags on his arm, would enquire if any one was sick in the house. He would stay, too, till assured that the white doctor would be sent for. I think they were remarkably quick at imitating the ways of the Yankees."

The Indian lads would gather under the old elm tree where they would sing and talk of their plantations, their homes, and slaves until the church-bell rang at nine o'clock when they were to retire. Then they would startle the neighborhood with wild whoops and cries. The standard of an English education was not as high as it is today and the Indians made satisfactory grades; according to Mr. Robinson they made "good draftsmen and writers, studied the face of the earth, made headway in simple mathematics, and all learned to speak English with facility, which only three of them knew on arrival. Their native sobriety and pride made them true and faithful students. They conformed to our habits of dress, and never appeared in skins, or with feathers in their heads." The

New England writer evidently did not know that the Chickasaws had been civilized many, many years; that they had adopted a constitution in 1846 which they repealed two years later for a more formal document.

Robinson continues his account of the Indians: "But much more than they learned at school, they gained from the social and family life of the quiet village, where they stood on a favored footing, entering as far as they could and would into the habits and ways of our learning and polish as we should have taken of theirs, if we had been sent into the Indian Territory to school." It seems that no romances developed at Plainfield between the Indian youths and the white girls as had upset the community at Cornwall, Connecticut, when John Ridge and Elias Boudinot of the Cherokee Nation, married local belles while attending school there.

The Indian lads were described by Robinson as "well-mannered and civil and showing a distinct manliness of conduct. They became a popular feature of the academy, rather attracting than repelling the native students." He gives a picture of "Samuel Colbert walking with a young lady and interpreting to her his Indian declamation in the Chickasaw language, shaking his head after his humor and repeating the gestures; for it is Wednesday and after exercises in elocution the school closes at half-session.

"There too walks or rather stalks along a figure full six feet tall, firm-featured, the nose long, the cheek bones high but well covered, rather grave black eyes; a metaphysical-looking fellow with all the gravity of Jonathan Edwards, he would be anywhere a marked man. Who is it? That is Jefferson Greenwood the young Chickasaw chief. . .

"Later the Indians are foot-racing from goal to goal between the elms, picturesque with red kerchiefs bound about their foreheads to hold in the shining hair. On an odd scrap of ground, or green, that fronts the old Eaton hotel site, they played their famous

ball game by means of two basket-throwers with long hickory handles, which clasping the ball threw and caught it cleverly. The legs of the hotel sign stood apart for one goal and the opposite trees perhaps were another. . . The Indians did not neglect our education; but brought us all up to leap, run, wrestle, and swim and they would have gladly set the town fathers to romping and jumping. They were not only swift on foot but expert swimmers. . .

"On quarter day the Indians would show the large gold coins of their pension [annuity] money till we thought they were like princes of the 'Arabian Nights.'[21] We picked up scant words of their language: *tonumpoo nuckie,* bow and arrow; *bushpoo umpoonta,* lend me your knife, and could count ten in Chickasaw: *chuffa, tukaloo, touchena, ooshta, hannarle, tusalarpe, unchuffa, untukaloo, chuckarle pocola.*

"We cultivated the Chickasaw war-cry till we could scare the oldest horses in town and almost startle sleeping Canterbury four miles away: *Coup hooah! Coup heagh!* the last words thrown awfully out in deep chest tones or raised and prolonged to a blood curdling yell.

"They taught us how to make and use deftly bows and arrows. . . What happiness to be a Plainfield boy in those days!" It is easily seen from Mr. Robinson's enthusiastic account what an impression the Chickasaw lads made on the white boys of the town. Life could never have been the same humdrum routine as before they arrived in the little New England hamlet. The bows made at Plainfield were carved from "chestnut, sassafras, ash, or iron-wood and sometimes locust, which turns out best bows as it is strong as steel and elastic." They made their arrows from

[21] Laws of the Chickasaws Second Session. Boiling Springs, Chickasaw District, Chickasaw Nation, November 6th, A. D. 1849.
Section 18th. Be it Resolved by the Chickasaw council. That the parents of the youths are requested to hand over to the Delegates, the present annuity of the youths in *Connecticut* [*Sic*] and one of the Delegates visit the youths and pay over the money and take the Boy's Receipt for the same and return those vouchers to the Chickasaw General Council. Proposed by B. Love. Approved Nove. 10th. 1849. Edmund Pickens, Chickasaw Chief.

hickory which could be picked up from any wood-pile in town. Sometimes the arrows were utilized to shoot fish.

"The Chickasaws occupied on the Sabbath four old-fashioned, high-backed pews in the southeast corner of the sanctuary as far removed from the preacher's voice as possible, where their shining black heads made four respectful and patient rows."

Some official notices of these boys are preserved in the Office of Indian Affairs in Washington. On December 11, 1849, the Reverend Alvan Bond wrote from Norwich, Connecticut, to Hon. W. Medill, Commissioner of Indian Affairs, inclosing the expense account of the eleven Chickasaw boys in the Plainfield Academy, for the first quarter. He reported that the progress of "said boys in their studies, habits of civilization, & general improvement, have exceeded my expectations. When they arrived in this city, none of them could read at all, or name the letters of the alphabet, and but two or three could speak English. At a late examination I found them able to read very well in easy lessons, spell in two & three syllables, answer questions in mental arithmetic, and write very neatly. They are studious, attentive, well-behaved, & contented. They exhibit in their deportment a good degree of decorum & self-respect.

"They are treated with respect and kindness in the Academy, in the families where they board, & in the community. A lively interest is manifested in their welfare among the people of the village, where they live.

"I have taken special pains to have them comfortably clothed for this northern climate. Having visited them, I find them in all respects as favorably & comfortably situated, as could anywhere be expected." Mr. Bond gave an estimate of the expenses the boys would incur for the quarter from December 8 to the same date in March: Board, washing, mending, & fuel, at $2. pr. week each, $286; Tuition, books and stationery, $66; Clothing, umbrellas,

combs, brushes, & pocket knives, $131.88; Boots & shoes, & repairing the same, $25.00; Medical care & medicine, $12.50.[22]

A. M. M. Upshaw, agent for the Chickasaws on March 28, 1849, wrote William Medill, commissioner of Indian affairs, as follows: "The Chickasaws in Council determined to send seven Chickasaw Boys, on to Washington City; for you to send to some of the schools at the North & East. It is left entirely to you to select the schools, it is expected that not more than two or three will be placed in the same school—Mr. Robert Love was appointed by the Council to conduct them to Washington, also to visit the schools, that the Chickasaw boys are now at, and to make a report to the Nation on his return home. . . Your kind attention to Mr. Love and advice to the young men and boys will be thankfully acknowledged by me."[23]

The same day Upshaw wrote the commissioner: "This will be handed you by my Young friends A. V. Brown, Holmes Colbert and Benjamin McLaughlin; they are three of the seven boys that were selected by the Council to go to School at the North; You Sir will find them very interesting young men and anxious to get a good education, two of them were at Col Johnsons School about two years, and they as you will perceive made good use of their time. A V Brown could not speak our language when he went there; I am satisfied that you will put these young men at good schools, and I am as well satisfied that they will improve and be of good advantage to their people. . ."[24]

From Delaware College on May 8, 1849, a letter was sent to the Indian commissioner by James P. Wilson stating that the Chickasaw boy F. McCalla was in "Mr. Meigs Preparatory Department." He acknowledged the arrival of Holmes Colbert, whom he describes as having a very prepossessing appearance. "I find on examination,

[22] OIA: School File B 297-329. Norwich, Conn. 1848. B-329.
[23] OIA: Chickasaw File U 57-58-72. Agency. 1849. U-57.
[24] *Ibid.*, U-58.

that he has not studied any Greek, and very little Mathematics, altho he has made more proficiency in Latin. It is necessary that he should be carefully and *laboriously* instructed from this time, on until our Fall Term. He may then, by hard effort, and untiring devotion to study, be able to join the new Freshman class, that will come in at that time. He seems anxious to get to work, and feels confident that he shall succeed. He is now in his room, with everything in order, & has commenced recitations with *Mr. Moore,* one of our Tutors, and Professor of Rhetoric, who kindly agreed for a suitable compensation, to take charge of his instruction, until he is admitted into College. The room furniture & books of the lamented Wm. Howell, are appropriated for his use, and the estimate consequently for his outfit, is small. . ."[25]

A report of the eleven Chickasaw boys attending Plainfield Academy was, on May 10, 1849, sent to the Indian commissioner by the Rev. Mr. Alvan Bond, who said: "I have just returned from an examination of the boys. . . & have been highly gratified with their proficiency in the several studies, to which their attention is directed. They can read very well in Saunder's Second Reading Book,—can spell with a good degree of accuracy,—write a fair hand, and recite. . . elementary lessons. They are making progress in Arithmetic. Their deportment is manly and correct, and they are becoming assimilated in habits and manners to the Society, in which they are placed.

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[25] OIA: School File W-333 &c. Newark, Delaware, 1849.

"During the later '40's and all of the '50's, the student body was very small and attendance irregular. From our somewhat incomplete collection of catalogs, we do not find the name of McCalla or Colbert. Mr. Meigs was the principal of the Newark Academy which was at this time a feeder to the College, and he served between the years of 1846 and 1850. Of 'the lamented William Howell' we find no record. In the 1846-47 catalog, James Wilson, of Philadelphia, appears; and he or someone like him re-appears in the succeeding year as James B. Wilson. Of the Academy's catalogs very few exist; we have none for the years 1844 to 1860. Neither Colbert nor McCalla appears to have been a member of the Delta Phi or Athenaean Literary Societies, organizations which at that time contained practically every student in the school. An 1848/9 and an 1850 Academy catalog, just located, list Frederick McCalla, Chickasaw Nation" (W. D. Lewis, The Memorial Library, University of Delaware, Newark, Delaware, February 26, 1937).

"Having been well provided with warm clothing, they have endured the severe winter without complaint, & seemed to enjoy it. Their health is, and has been uniformly good, & they are contented and Happy."[26]

Mr. Bond wrote the commissioner on May 14, 1849, telling of the arrival of some students who had been brought east by Mr. Love from the Chickasaw Nation. They were left at Plainfield "on the score of economy, where they will spend a few days in school with the other youth of their nation, till they are located. Today I have been to Plainfield with Mr. Love, & Tecumseh Gains returned with me, & will probably be placed in one of our Academies in this city. Benjamin McLaughlin will probably remain at the academy in Plainfield, as his cousin is there, & if so he will be placed in the family of Doctor Cogswell, who is the right sort of a man to manage him, as he has been much indulged at home, & inclined to be, as we say, somewhat wild, and needs to be under a steady & strict family control. The other three will be provided for as soon as a suitable place is found.

"I think it will be best to have these last youth separated. None of them except Brown are so far advanced in studies, as are those in the Academy at P [lainfield]—I think I can locate them so near, thereto, I can look after them; though I know of no place in this vicinity, where their expenses will be so low, as they would be, where the other boys are. Their family connections are such, that their *notions* are graduated a little higher, than the others have entertained, and on this account a separation is desirable, were there no other considerations.

". . . The care of such a charge, and the anxiety it involves, are greater than I at first anticipated, and considering my arduous parochial labors, I should decline the service, were it not for the deep interest I feel in these youth, for whom their nation are expending so much. They seem to look to me as a father, and listen

[26] OIA: School File, B376 etc, Norwich,, Connecticut, 1849.

to my counsels with remarkable docility. How I shall get along with the last company remains to be seen.

"Several of the first company possess intellects of a high order, & if they live, will, I think, become distinguished in their nation. They are well behaved, diligent, & have secured the respect of the people among whom they reside. They attend church regularly, and the pastor, Rev. Mr. Robinson a most worthy man, takes a lively interest in their welfare. . . Mr. Love witnessed an examination of these boys this forenoon, & will be able to report his impression to you on his return."[27]

A letter from Mr. Bond, written May 31, 1849, relates the disposition of the five Chickasaw boys brought to him by Mr. Love. He states: "On learning that Brown and McLaughlin left home with the understanding, that they were to be placed together, and as a larger appropriation, as I am informed, was made for their support, than was voted for the other youth, I have put them under the care & instruction of Mr. Morgan, an approved teacher of an English school in Norwich Town, about two miles distant from the city. Board, including washing, mending, fuel, & light, has been engaged for them in a respectable private family for two & a half dollars a week each. Their tuition will be six dollars each a quarter—books & stationery not over two dollars a quarter for both.

"As they have been accustomed to dress more expensively than the other boys, I am not as yet able to intimate the probable amount of expense for their wearing apparel, including boots, shoes, hats & caps; but judge, that it will not fall below $75.00 pr. annum, nor exceed $85 or $90, for each.

"I have also made an arrangement with Mr. Crary, an experienced teacher of English studies in a village of this town about one mile distant from my residence, to take into his family T.

[27] A. Bond to W. Medill. OIA: School File B 376 etc. Norwich, Conn. 1849. B-399.

Gains & the older Alberson, and take a parental care of them, they being young. He teaches a School, & has taken the boys into one of his classes, with which they recite. He gives them instruction in school and at his house. They are very pleasantly situated, & seem happy." The charges for board and tuition were the same as paid for the other boys and their wearing apparel would not exceed $60.00 a year.

"The younger Alberson seemed desirous of remaining at Plainfield, and I concluded. . . that I could not do better than place him in the family of Doctor Cogswell with Sampson McLaughlin, where good care will be taken of him. His annual expenses. . . including trunks, umbrellas, brushes, &c, will not exceed $205.

"In the arrangements thus specified, I have studied an economy as rigid as is consistent with the comfort and improvement of these interesting youth. They are in the midst of an enlightened community, who feel a deep interest in Indian civilization. They are welcomed by the members of their respective schools, & kindly treated, & are thus brought into familiar intercourse with the school boys of the community, where they reside. And being thus near, I can often see them, & watch their progress & conduct. . ."[28]

When Mr. Bond transmitted the expense account of the eleven boys at school in Plainfield, June 11, 1849, he reported them in excellent health, and "prosecuting their studies, with diligence & success. I permitted them to enjoy the late spring vacation of two weeks as a season of recreation, it being the first recess they have had, since they came under my care.

"Several persons from the Choctaw & Chickasaw Nations have visited them the past season, & expressed their satisfaction with the progress they are making in English studies, and in manners. They are gradually acquiring the facility for speaking English, & seem desirous of becoming able to dispense with the use of their

[28] *Ibid.*

own language, & of becoming Americanized. In addition to reading & spelling, they are acquiring the rudiments of arithmetic, grammar, geography, and general knowledge. They excel in chirography, and several of them are able to compose, and write letters to their friends at home in good English.

"They manifest acute sensibility in respect to the interest & honor of their nation, & tender attachment to their friends. Among themselves they have been remarkably harmonious, and continue to be contented & happy. Their views of the value of an English education are becoming enlarged and definite. With laudable ambition they anticipate the time when they shall return to their people, qualified for stations, in which they may by distinguished usefulness remunerate their nation for the expenses of their education.

"Their correct deportment continues to secure for them the respect & kind consideration of the people, among whom they reside. It is not a little surprising to us, that in the rude state, in which they were, on their arrival here, they should have proved so uniformly docile, tractable, and well-behaved. The influence of the well-governed, refined, & intelligent families, where they find their present home, is not the least among the advantages they are enjoying." Mr. Bond speaks of renting three pews for the boys in the Congregational Church and relates that they are formed in a Bible class, "Thus uniting moral with mental culture."[29]

An interesting letter in the files of the Indian Office written to Col. Medill by Aaron Brown and Benj. McLaughlin in "Norwichtown New London County. Connecticut June 23d 1849," states: "I was requested by you through Mr. Bond to write a few lines, to inform you of our Situation, & how we like the resurdence of this place, Myself & Benj McLaughlin are here at Mr. Morgan's—School, & so long as we have been here. we are very well-

[29] OIA: School File B-376. Norwich, Conn. 1849. B-424.

pleased with our instructor, and hoping that we shall do better than we did at Col Johnson's school. We have been & vissited those boys at Plainfield, about two weeks ago & saw they they are geting along finly & well satisfied with their boarding, & all the arrangement which has been made for their education.

"Mr. Medill We have not had much to say, We only write these few lines, merely for you to see & know how We will improve hereafter. And I will ask good advice from you. If any delegation from our nation Should come to Washington City recommand them to visit us around. No more at present, But remaind your sincery & Your Chickasaw Indian scholars."[30]

The next letter regarding the Chickasaws at school was written from Delaware College, Newark, New Castle County, Delaware. This town is twelve miles W. S. W. of Wilmington. The letter, written to Hon. Wm. Medill by James P. Wilson, was dated July 4, 1849. It contained the expense account of H. Colbert[31] and stated that it was thought he would be able to enter the freshman class in the coming autumn. "He studies very closely, and is in all respects a young man of very high character and of finest promise universally respected and beloved. He will be obliged to continue his studies during the vacation, allowing him about a week at the close for relaxation. He is very anxious to do what is right in the matter, and enter credably. He has not need the *carpet* yet, for which allowance was made in the last remittance, because he preferred for his own improvement to room with *Allen*

30 OIA: School File. B-432-568. Norwich, Conn. 1849. B-432.

31 Holmes Colbert, born in 1829, was a member of one of the most distinguished families of the Chickasaw Nation. He was graduated from Union College at Schenectady, New York, when twenty-three, and three years later drafted the Chickasaw Constitution which was adopted by that nation. His life was devoted to the welfare of his people and he died in Washington on March 24, 1872, while serving as a delegate. His funeral was attended by many distinguished persons and he was buried in Glenwood Cemetery. He was described as "a noble, generous, large-hearted man, beloved by all who knew him" (*Leaders and Leading Men of the Indian Territory*, H. F. O'Beirne (Chicago, 1891), pp. 296-7).

Wright."[32] McCalla was living with Mr. Meigs, who reported he was making rapid progress.[33]

On July 27, 1849, Upshaw, agent for the Chickasaws, rendered a statement to Orlando Brown, the new commissioner of Indian affairs, for $743.13 to pay Robert Love "for Beef furnished the Council, and for Conducting six Chickasaw boys to Washington City and from thence to Schools in the Eastern States. . ."[34]

Upshaw wrote Col. John Drennen, Acting Superintendent, Western Territory, on August 29, 1849, saying, "There are at this time at school in the eastern states 18 or 19 Chickasaw boys, and two more have been authorized to be sent. These boys should not be permitted to return to the nation until their education is finished." He stated that there were "no schools as yet in the Chickasaw country. . . I am confident that schools on the manual-labor plan are the only schools that will do much good in any nation of Indians. To give them an education without learning them to work, either as farmers or mechanics, is of but little use to them."[35]

The next communication regarding the Chickasaw youths in Connecticut was written by Mr. Bond to Hon. O. Brown on Sep-

[32] Allen Wright, described as a man of rare intellectual qualities, became one of the most distinguished men in the Choctaw Nation. He was born in November, 1826, near the site of the present Jackson, Mississippi. He emigrated with his father to the Choctaw Nation and when ten years old commenced the study of English. In 1841 he became a pupil at Spencer Academy and made such marked progress that he was selected, with four other lads, to go to college. He chose Delaware College, later attended Princeton and then entered Union College at Schenectady, New York. He was graduated in 1852 and next entered Union Theological Seminary in New York City. After his return to the Choctaw Nation he became the head of Armstrong Academy. He was ordained by the Indian Presbytery in 1856. He became a member of the Choctaw Council and in 1866, while absent as a delegate in Washington, he was chosen a chief of his nation. . . Mr. Wright was considered the best scholar of the nation and he compiled a dictionary of the language, he translated into English the Constitution and Laws of the Chickasaw people in 1872; he had charge of the Choctaw department of the *Indian Champion*, a newspaper first issued at Atoka, Indian Territory, February 23, 1884. Governor Wright died on May 2, 1885 (*Handbook of American Indians*, Vol. 2, pp. 975-76; *Leaders and Leading Men of the Indian Territory*, H. F. O'Beirne (Chicago, 1891), pp. 31, 32; *Oklahoma Imprints*, Carolyn Thomas Foreman (Norman, Oklahoma), pp. 39, 139).

[33] OIA: School File W 333 &c. Newark, Del. W-347.

[34] OIA: Chickasaw File U 57-58-72. Agency. 1849. U-72.

[35] *Report*, commissioner Indian affairs, 1849, pp. 1129, 1132.

tember 18, 1849. He forwarded the expense account of the twelve boys at Plainfield Academy and the four who were at two schools in Norwich. He reported that the boys "have enjoyed good health, excepting two cases one of which resulted from the gathering of a tumor, which required a surgical operation, —and the other from a bilious attack, which terminated in a moderate fever.

"They seem happy and contented, and with commendable industry & interest have, with very few exceptions, prosecuted their studies in reading, spelling, arithmetic, grammar, Geography, & penmanship. They attend church regularly on the Sabbath, & during the day meet their teacher, to receive instruction in the christian virtues, & the rudiments of christian knowledge.

"Their deportment continues correct & manly, and in but very few instances has there been anything requiring discipline or rebuke, during the year. They are learning to speak English, and in several cases they speak and write the language very well. Living in the midst of a farming and manufacturing population, they witness the results of education and industry, & thus are becoming impressed with ideas, showing the value of civilization. In various respects their progress has been all, that could have been anticipated, & to me has been highly satisfactory. . .

"Their conduct has secured for them the respect & sympathy of the people, among whom they dwell, and a lively interest in their welfare is manifested. There are among them a few noble spirits, needing only the advantage of a liberal education to render them ornaments to any community.

". . . Their books will cost somewhat more, and some addition will be requisite to the amount appropriated for clothing. This becomes necessary in order to meet their rising sentiments of self-respect, & to relieve them from mortifying embarrassment, when they mingle, as they will hereafter be likely to do, with society. The embarrassments they have felt in consequence of their con-

scious inferiority, as to mental culture, are growing less, & will be diminished, when as they appear in public, they can see & feel, that they are respectably clothed. . ."[36]

According to the expense account of the boys at Plainfield $2.00 per week was paid for board, washing, mending, fuel and lights, while the cost at Norwich for the four boys was $2.50. The whole account rendered amounted to $901.91 and included tuition, books and stationery, clothing, medicine and medical care and incidental expenses. Mr. Bond had been informed by Mr. Robert Love that the council had voted to provide the boys with "an extra suit of clothing, for use on the Sabbath, & other occasions, when they appear in public. . ." and he estimated that the suits would cost about fifteen dollars each "on the most economical scale."[37]

James P. Wilson made a favorable report on the two boys at Newark, Delaware, November 7, 1849. Holmes Colbert, by close application, had qualified himself for admission into the freshman class of Delaware College, while Fred McCalla was improving rapidly and his tutor, Mr. Meigs, spoke highly of him. He described Holmes Colbert as "a young man of good parts, very studious, and anxious to improve, popular among the students, and very correct and gentlemanly, in his entire deportment. He did not ask for his $2. pr. month, the sum deemed by me sufficient for pocket money, and freely allowed by the Department, and as he did not demand it, it was not paid to him. . ."[38]

The Rev. Mr. Bond sent his quarterly report to Commissioner Orlando Brown November 26, 1849. He gives a short history of his reasons for taking charge of the Chickasaw boys and tells of their being placed in the academy under the Rev. W. S. Benedict, Principal, and that "They were distributed in three good families . . . where they still remain. . . They appear to have enjoyed them-

[36] OIA: School File B 376 etc., Norwich, Connecticut, 1849. B-496.
[37] *Ibid.*, B-501.
[38] OIA: School File W 333-345-347-351-383. Newark, Delaware, 1849. W-379.

selves the whole time, and always seem contented and happy when I visit them.

" . . . they have made such proficiency, that they can now read very well in our common school readers, and have gone through with Webster's spelling book. . . They write a good hand, and are now able to compose letters to send to their friends. . . At the last quarterly examination they rehearsed in public, pieces committed to memory, and acquitted themselves in most cases very well. They are occupied in the school room six hours daily, with the exception of Wednesday and Saturday afternoons, and they have also studied more or less in their own rooms. . .

"They are taken into manufacturing establishments and shown the operation of these complicated workshops. They have been allowed an occasional excursion by railroad and steamboat, with which they have been delighted.

"They are gradually acquiring facility in speaking English. . . Special efforts are made to induce them to abandon their native dialect, and converse in English. . . Two of these boys, Tecumseh Gains and Thomas Alberson, have been subject to attacks of fever and ague, which has somewhat interrupted their progress. I propose removing them at the close of the current quarter to the more elevated and healthy location in Plainfield, placing them in some good family by themselves, and under the instruction of the teacher, who has the care of the others. . . I have contracted with a physician there to watch over the health of all the boys, and attend to them promptly, whenever they may need his counsel or professional services. . ."[39]

The last report of the Rev. Alvan Bond, made to the Indian commissioner in 1849, was dated at Norwich, December 13. Sixteen youths were then under his care and he stated that their expenses would be higher than he had estimated, as he had been

[39] OIA: School File B 376 etc. Norwich, Connecticut, 1849. B-537.

obliged to provide "some articles, necessary to their comfort during the winter months. . . I have found it necessary, this season, to have them supplied with substantial flannel under garments, as a protection to health in this climate. They have at present a good supply of clothing, and will not require so large an outlay for this purpose during the current quarter. No article of clothing is furnished to them without my order, —and it is all made to order, and in a substantial manner. An economy, as rigid as is consistent with comfort and respectability, has been consulted in this department of their expenses."

Mr. Bond reported all of the students in good health and that: "They continue diligent and ambitious in the prosecution of their studies. Their progress in study and general improvement is highly satisfactory. The attention of the assistant preceptor in Plainfield Academy has been almost wholly devoted to the Chickasaw boys in that institution.

"The facilities for improvement in the Academy. . . the retired, quiet and healthy situation of the place,—the elevated state of morals and the intelligence which characterizes the inhabitants, and the peculiar interest they manifest in the welfare of these youths, —have induced me to remove thither Gaines and Alberson, who have been in this city. . .

"Mr. Eaton, a respectable gentleman, near the Academy has taken them into his family as boarders, where they will have a pleasant home. They are much pleased with the change.

"A. V. Brown, and B. McLaughlin, who have boarded in the upper village in this town, about two miles from the city, have become so far advanced in their studies, in the Morgan's private school, that I have transferred them to the Academy in that place, a highly respected institution, under the care of a graduate of Yale College of high standing as a scholar and a gentleman. They are much respected in the school, and by the citizens. . .

"Yesterday I visited the boys at Plainfield, and heard their recitations. They acquitted themselves in a satisfactory manner in reading, spelling, arithmetic, grammar, and in the sounds of vowels and consonants. The books used by them are Saunders School Reader, third part, Webster's Spelling Book, and Definer, Greenleaf's Mental Arithmetic, and Mitchell's Primary Geography. A specimen of writing and composition, without correction, is inclosed." The inclosure was a short bit of writing signed by Joseph Colbert, in which he says: "It is now a long time since I have written a Composition, and I thought I would write one again. . . I have been more accustomed to declaiming than I have to writing and therefore you cannot expect much from me in this line. It is growing cold again and makes me think of the good times that we used to have last winter, amongst the snow and ice, snowballing, sliding, &c.—Though we are not used to such cold weather as we find here, we like it much better than one would think we should. I feel that some of the Yankees, who have always been here, feel the cold much more than we do. We shall have very long evenings this winter in which to sudy (*sic*), and I hope we shall improve them well and get much knledge (*sic*) before spring comes again."[40]

Aaron V. Brown addressed a letter to the Indian commissioner from Norwich Town on December 18, 1849, to report his progress: "I have been thinking to write to you for this long while, And at last, my conscience permitted to write a few lines to you. . . I acknoledged that I ought not to write without any particular permission from you, But last spring, in the month of June I wrote to Col W. Medill by his permitance throught Rev. Mr. Bond, which he answered the letter and give me permission to write occatimely to the office, to you, So that my improvement in writing & language might be examined & Sented to the nation. So that my people may know how much I am improved.

[40] *Ibid.*, B-549.

"I am happy to say that I have done very well, throught the last Summar, untill in fall my Teacher had vacation sometime in September & the same time he was hired to keep District-School for this winter. And I am out of school for as much as six weeks. and three other boys besid myself in same situation. We bigan again on the 5th inst. Now I am attending another. Who I like him as well as I did the other one, But I have some things to say about arrangement at school & boarding affairs, Which I will not mention untill I have liberty from you to related to you, Though it same to me I have right to Complaint what is indiffernce with me, for I know that, it is our money is paid for our educating, at least belong to the nation This arrangement speaking of is that of our Agents. arranging, Mr. Brown. *I write these; because I feel that I am in thy care. And knowing that if any things* done in your present, will be alright.

"We are all well and trying to learn as much as we can. And I care (sic) say, that I am very anxious to get an Education as well as my people wants me learned, We the boys heard from home and learned that Chickasaw Delegation will be on to washington City. Sometime in November of this inst, Ane we Desired very much for them to go round & see us. in particularly Edmund Pickens, who is one of the delegate, & principal Chief of the nation. You will please & so kind as to advise them to come & see us? I will also ask a good advise from you, and please to looked this and the former letter to Col. W. medill & see my improvement, —Nothing more, at present, But remain your Respectfully most Humble servant."[41]

A Chickasaw delegation consisting of W. Colbert, S. Folsom and Jackson Frazier was in Washington in the spring of 1851, and on May 2 they wrote that there were then sixteen Chickasaw youths in school in Connecticut. "Of these we design taking home four upon our return F. McKorly, Joseph Colbert, Sampson McLaughlin

[41] OIA: School File B 432-568. Norwich, Connecticut, 1849. B-568.

and Lewis Newberry. The remaining twelve we desire continued until next September when the appropriation for their support expenses (expires?) We desire seven of them, Samuel Colbert, Alexr. Bradford, Tecumseh Johnson, Jefferson Greenwood, Gibson Greenwood, Howard Duncan, Lafayette Colbert, continued for one year longer. David Alberson for two years. Lewis Hawkins, Fletcher Frazier, Robt. Pearson, and Isaac Jefferson for four years.

"We request that the necessary appropriation of money out of the Chickasaw National fund be made for this purpose. We submit it to the discretion of the department, whether they be continued in the state in which they are now after the first of September next, or be removed south where the climite (*sic*) is milder, and may posibly (*sic*) agree with them better. We desire that the appropriation of three thousand dollars annually made by Congress for the Chickasaws so far as it will go, be used for the support of these youths.

"And that at the experation (*sic*) of the several times which they are to remain at school, if any of them desire to learn a trade or profession, that they shall have an opportunity of so doing. . ." This was followed by the request that money should be set aside from the Chickasaw general fund to cover their expenses.

That the northern climate and confinement in schools proved unwholesome for the Indian students is shown by Mr. Robinson's story: "Alas! these happy young men did not have charmed lives! Coming from a southern climate, their subjection to the terrible drafts of our northern winters was severely fatal." Six of the boys died, most of them carried away by consumption. One died on a Mississippi River steamboat while on his way home and he was buried in Memphis. Three others passed away soon after reaching home, while two died at Plainfield and were buried there 'in its cherished God's acre.'

"The company of six who were the last to leave school, came to bid us good-by July 3, 1852." That was a sad day for the boys

of Plainfield who must have been deeply impressed by their association with the Indian lads. One can only imagine the tales that were recounted to younger brothers and grand children by the men who had been friends with the Chickasaws. What romance and interest must have been added to the lives of the people of that small New England village when the Indians arrived from the West. The Indian sports and games were continued by the white boys long after the departure of their red friends and probably bows and arrows might be found in attics in Plainfield hoarded by men who had used them in their youth and now treasured as momentoes of the days when grandfather played with the Indians.

"Communication between the Indians and Plainfield was long maintained by letters, chiefly from Samuel Colbert to the Cogswell family, until after the war in 1861." After 1865 no letters were received from Colbert, but later news received from Peter P. Pitchlynn during a visit to Washington, "told of the death, one by one, of most of the scholared Indians, many of them by violence, showing not the happiest concord among their own people."[42]

[42] *The Chautauquan*, March, 1894, pp. 707-711.

THE PERRYMANS

By John Bartlett Meserve

The assassination of Chief William McIntosh of the Lower Creeks at his plantation home on the Chattahoochee river near the present town of Carrollton, Carroll County, Georgia in April 1825 provoked the withdrawal, shortly thereafter, of many of his adherents from Georgia and Alabama to the old Indian Territory.[1] Chilli McIntosh, the eldest son of the ill-fated Chieftain led an initial contingent of these people to the West arriving at Three Forks, a short distance north of the present city of Muskogee, in February 1828. Among this emigrating party were members of the Perryman, Winslett and Porter families who were to contribute to the eventful history of the Creeks in the West.

Benjamin Perryman (Steek-cha-ko-me-co) had been a tribal town chief of some prominence among the Creeks back in Alabama and was a pronounced adherent of the McIntosh faction in Creek tribal affairs. He is noted as a signer of the Treaty of February 24, 1833[2] at Ft. Gibson with the Government and, with Roley McIntosh, represented the Creeks at an intertribal conference with the western tribes which opened at Ft. Gibson on September 2, 1834 and in these proceedings took an engaging part.[3]

The celebrated painting of Benjamin Perryman was made at Ft. Gibson in 1836 by George Catlin, the noted painter of Indian pictures and of Benjamin and Samuel Perryman, the famous artist said, "These two men are * * * fair specimens of the tribe, who

[1] John Bartlett Meserve, "The McIntoshes," *Chronicles of Oklahoma*, X, 310. The writer acknowledges error in the statement in that article that Chief William McIntosh was slain at his Indian Springs home and that his home there was burned. He was, in fact, slain at his plantation home on the Chattahoochee river near the present town of Carrollton, Georgia, and it was his home there which was burned by his assailants.

[2] Charles J. Kappler, *Indian Affairs* (Washington, 1904), II, 338.

[3] Grant Foreman, *Advancing the Frontier* (Norman, 1933), 136. Grant Foreman, *Pioneers of the Early Southwest* (Cleveland, 1926), 153.

BENJAMIN PERRYMAN,
(STEEK-CHA-KO-ME-CO or the GREAT KING)
Courtesy U. S. National Museum.

are mostly all clad in calicoes and other clothes of civilized manufacture, tasseled and fringed off by themselves in the most fantastic way and sometimes with much true and fantastic taste. They use a vast many beads and other trinkets to hang upon their necks and ornament their moccasins and beautiful belts." Through these descriptive words descendants of the emigrant Creeks of a century ago may glimpse an interesting portrayal of their semi-primitive ancestry.

Benjamin Perryman was accompanied by his six sons and two daughters to the West where they settled initially along the lower Verdigris and the north bank of the Arkansas and in an area to become known as Choska Bottoms in what is today Wagoner County, Oklahoma. The region was of broad expanse where the prairies dissolved in the shimmering distance to the west. Wild tribes had wandered along the Arkansas for many years ere the Creeks came. Drifting clouds threw evanescent figures across the undulating plains and the Indian raising his eyes above the earthen walls about him, found spiritual release above them in the reaches of the blue where, in his fancy, the Great Spirit walked. An indulgent nature met the emotional needs of his cloistered life. These primitive scenes are lost today in a maze of cultivated farms. The eight children of Benjamin Perryman left a lasting impress upon the Creeks.

(1) Samuel Perryman (Thenahta Tustenugga) served in the Creek War of 1813-14 under General Jackson and after his removal to the West joined Roley and Chilli McIntosh in an address to President Jackson asking for relief against the depredations of the wild tribes which infested their border. He was the father of William and Noble Perryman and is reputed to have lived to an advanced age and died at Coweta in 1880. (2) Columbus Perryman (Yahola Harjo) died at Coweta in 1877. (3) Moses Perryman (Aktayahehe) was the father of Joseph Moses Perryman who became a chief of the Creek Nation. He died at Choska in 1866.

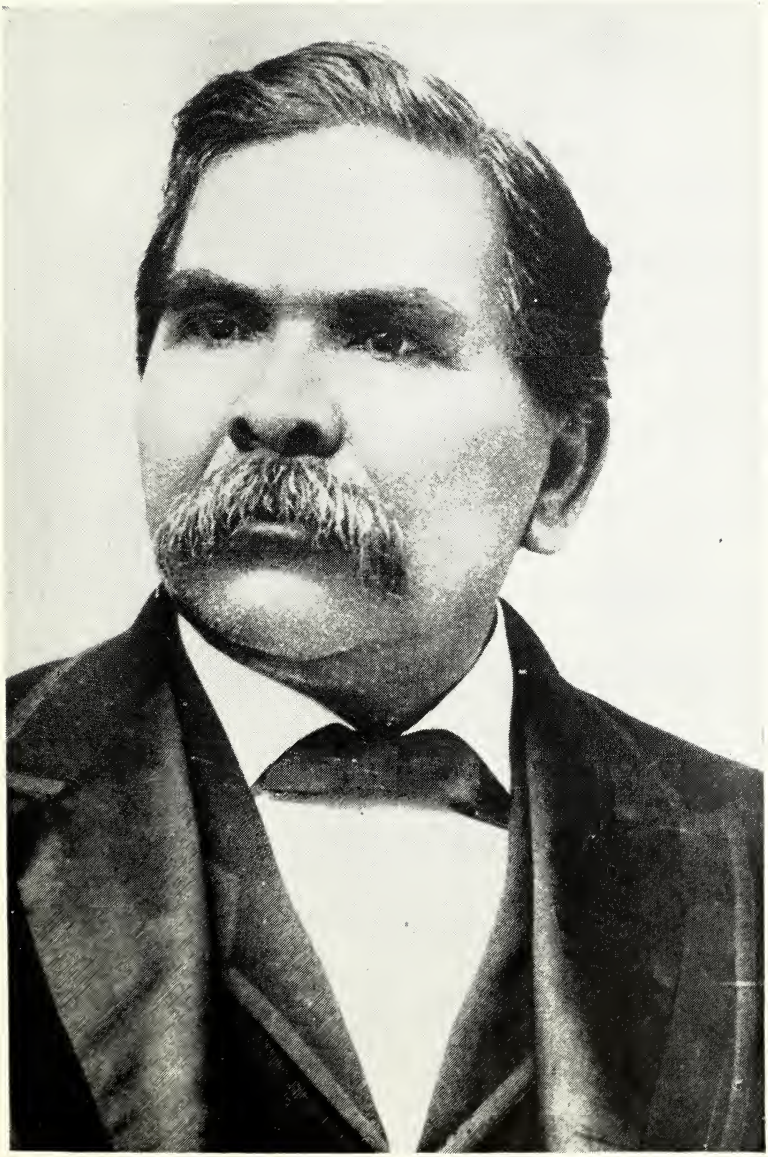
(4) James Perryman (Pahos Harjo) for the last thirty years of his life was a Baptist minister.[4] He attended school at the old Union Mission and between 1830 and 1835 was Creek interpreter for the Rev. John Fleming at which time he was a Presbyterian. He aided in translating two of the first books in the Creek language. In the latter years of his life, he assisted Mrs. A. E. W. Robertson in translating Ephesians, Titus, James and two-thirds of the Book of Acts, into the Creek tongue. In the old Creek hymn book, thirty-two of the hymns are his work either in composition or translation. He served in the Confederate army in the Civil War and died at Coweta about 1882. (5) Lewis Perryman (Kochukua Micco) was the father of Legus C. Perryman an erstwhile chieftain of the Creeks. (6) Henry Perryman (Efold Harjo) died at Choska in 1876. (7) Lydia Perryman married Tah-lo-pee Tust-a-nuk-kee, a town chief and became the mother of Phoebe. Phoebe married Benjamin Edward Porter and became the mother of Pleasant Porter,[5] the last elected chieftain of the Creeks. Phoebe died at Wealaka, on June 6, 1883. (8) Mary Perryman married James McKellop, a Scotchman. Her daughter Nancy McKellop married Nathaniel Hodge and became the mother of David M. and Alvin T. Hodge both of whom became men of prominence among the Creeks. Susan, another daughter of Mary McKellop nee Perryman married John Denton, a Cherokee and became the mother of Lilah D. Lindsey, who is today (1937) one of the outstanding women in the State.

Moses Perryman, a son of Benjamin Perryman was the father of Joseph Moses Perryman[6] who was born at Choska in 1833. This son attended school at Coweta Mission until 1853 after which he entered Tullahassee and began his studies for the Presbyterian

[4] James C. Pilling, *Bibliography of Muskhogean Languages* (Washington, 1889), 67. Foreman, *Advancing the Frontier*, 142.

[5] John Bartlett Meserve, "Chief Pleasant Porter." *Chronicles of Oklahoma*, IX, 318.

[6] H. F. and E. S. O'Beirne, *The Indian Territory: Its Chiefs, Legislators and Leading Men* (St. Louis, 1892), 120.



JOSEPH M. PERRYMAN,
CHIEF OF THE CREEK NATION

ministry. He pursued these studies for three years and was licensed to preach in 1860. He enlisted in the Confederate army on August 9, 1861 in Company H. First Creek Regiment of Mounted Volunteers of which company Capt. Washington Kennard was captain in the regiment of Col. D. N. McIntosh. He later served as major sergeant and as a first lieutenant of this company. His name last appears on the muster roll of his company on December 1, 1862 although he appears to have joined with other officers of the 1st and 2nd Creek regiments in a petition to President Jefferson Davis, from Camp Stonewall, on May 18, 1863. He remained at Stonewall until the conclusion of the war and was formerly ordained for the Presbyterian ministry at Wapanucka, Chickasaw Nation, shortly thereafter. It was at that time he formed the North Fork Presbyterian Church and also assumed charge of the mission school under the South Presbyterian Synod, which position he held for four years. About 1878, he changed his church affiliations and became a member of the Baptist church and was shortly thereafter ordained to the ministry of that denomination and remained a member of this denomination until his death.

The political career of Joseph M. Perryman began with his service as a member of the Creek House of Kings from 1868 to 1874 inclusive serving as its presiding officer during his tenure. He served as district clerk of the Eufaula district in 1878 and as clerk of the tribal supreme court in 1869. He was a member of the tribal supreme court in 1873. In 1883, he was dispatched as a delegate from the tribe to Washington and on December 5, 1879 qualified as Creek national treasurer in which position he served for four years, being succeeded by Sam Brown.

In the fall of 1883, Joseph M. Perryman became the candidate of the Muskogee party for Principal Chief, being opposed by Isparhecher of the Loyal party and Samuel Checote of the Pin party. The race settled down to a spirited contest between Perryman and Isparhecher although Checote gained enough votes to

provoke an embarrassing situation. The Green Peach War, inspired and led by Isparhecher, had ended but a few months before the election, but lingered as an issue in the campaign. The result of the election held on September 3, 1883 was very close and remained long in doubt. A declaration of the canvass involved the determination of two rather delicate constitutional questions. The election being held upon a date slightly different than that provided by the Creek constitution, provoked much dispute but faded in its significance as efforts were made to adjust the situation to another requirement of the Creek constitution. This basic document provided in Article II, Section I, that "the Principal Chief of the Muskogee Nation shall be elected for a term of four years, by a *majority* of the votes * * *." Three active candidates had sought preference in the campaign and as a result none of the three aspirants received a majority of the votes cast. Perryman had a plurality over his opponents but lacked a majority over the combined votes of both of them. An effort was made to placate Isparhecher by sending him to Washington as a delegate, in January 1884 but from that city on February 26, 1884, he wrote Perryman, urging that no choice had been made and suggesting that a new election be called and their candidacies be resubmitted to the electorate of the Nation. Perryman was sworn in as chief and the entire dispute was referred to Secretary of the Interior Teller, who on February 27, 1884, in writing, expressed himself "that the words 'majority' and 'plurality' are synonymous ones as understood and used by the Muskogee people." He directed the Indian agent to recognize Perryman as chief of the tribe. Joseph M. Perryman served his people most faithfully as their chief for the four years' term and became a rather inactive candidate for reelection in 1887 but was defeated by his cousin, Legus C. Perryman. Isparhecher was again a candidate but made a meager showing.

The concluding years of the chief were devoted to his religious endeavors and to education. He was president of the Creek National Board of Education in 1894 and in the years 1894-5-6 was superintendent of the Eufaula High School. He passed away at Eufaula on December 18, 1896 and rests in the cemetery at that place.

Shortly after the Civil War, he married a lady of the tribe who died some years later. He later, and on September 1, 1876, at St. Louis, married Ellen Marshall, a daughter of Nicholas and Eliza Marshall. She was born at Lenna, Indian Territory on November 4, 1860 and is today (1937) Mrs. W. A. Hammer and lives at Eufaula, Oklahoma.

The chief was an active member of the Masonic fraternity, serving as secretary of the Eufaula Lodge at the time of his demise. He was a man of deep religious convictions, trod the straight path during his political career and enjoyed the love and esteem of his people.

In the adventurous party with Chilli McIntosh was an intermarried white man by the name of Winslett who was accompanied by Hattie Ward of Old Hitiche town, his Creek Indian wife and their young daughters Befeeny and Ellen Winslett. About 1830 their son David Winslett was born at Choska.[7] This son entered Coweta Mission in 1845 where he studied under Rev. R. M. Loughridge,[8] later entered Tullahassee Mission and in 1851 was chosen a ruling elder of that school. He became an interpreter for Rev. Mr. Loughridge and assisted him in Bible translations. On September 6, 1858, he was ordained for the Presbyterian ministry and assumed charge of the Coweta Mission and church. He entered the Confederate service in the Civil War but became ill through exposure, returned home on a furlough and died at Coweta in 1862. He

[7] Pilling, *op. cit.*, 68.

[8] Rev. R. M. Loughridge, being then very old, conducted the first religious service in Tulsa. This was in the spring of 1883. He died at Waco, Texas on July 8, 1900.

married Mahala, a daughter of Lewis Perryman. The father seems to have faded from the immediate picture shortly after the birth of David. Whether he passed away, or as was not unusual rejoined his white kinsmen elsewhere, is unknown.

We are invited to a more intimate acquaintance with Lewis Perryman, a son of Benjamin Perryman. He was born near Ft. Mitchell, Alabama in 1787, came to the Indian Territory in February, 1828 and established himself upon lands near the falls of the Verdigris river. He was accompanied to the West by his wife and three children Andrew, Mahala and Nancy. About 1833, he married Hattie Winslett nee Ward and in 1838 established his home at Big Springtown on Adams Creek some seven or eight miles northeast of the present town of Broken Arrow. In about 1837 he added her daughters Befeeny and Ellen to his domestic household. There was nothing unorthodox about this romantic status in his domestic affairs because plural marriages[9] were not uncommon and were recognized among the Creek Indians at that time. His wives each bore him children. Hattie was the mother of Sanford W., Thomas W., John W., Kizzie and Phoebe. Befeeny was the mother of Alexander, David, Hattie, Ellen and Lewis and Ellen was the mother of Legus C., Josiah C., China, Henry W., George B. and Lydia.

The succeeding years in the life of Lewis Perryman were very commonplace. In fact it was a slow and stagnant period during which little progress was registered among the Creeks. He lived at Big Springtown on Adams Creek and after 1848 in the proximity of Tulsa where he ran a trading store. The removal to Tulsa was occasioned by an epidemic of cholera at Big Springtown.

Washington Irving, on October 11, 1832, passed through this area which was to become the arena of the early activities of the Perrymans and leaves for us his contemporary impressions. "For

[9] Plurality of wives was prohibited by Act of the Creek National Council on October 28, 1891 but all prior marriages of such character were legalized.

JOSIAH CHOUTEAU PERRYMAN

some miles the country was sprinkled with Creek villages and farm houses, the inhabitants of which appeared to have adopted, with considerable facility, the rudiments of civilization and to have thriven to consequence. Their farms were well stocked and their houses had a look of comfort and abundance. * * * They were a well made race, muscular and closely knit, with well formed thighs and legs. They have a gypsy fondness for brilliant colors and gay decorations and are bright and fanciful objects when seen at a distance on the prairies."[10]

Fortune kept her engagements with Lewis Perryman and ere the Civil War came he was living in comfortable environs to which his patient efforts had contributed. He was engaged extensively in the cattle business along the Arkansas River valley below Tulsa. The years of the Civil war were gruesome for the Creek Indians, as the sectional issue permeated the Indian country. With the withdrawal of the Union forces from the Territory in the early days of the conflict, the affair became disproportionate and many of the Union Creeks fled to Kansas under the leadership of Opothleyahola.[11] Lewis Perryman saw no military service but his sons entered the Confederate Army by enlistment on August 9, 1861.[12] The brief occupancy of Tahlequah by the Union forces after July 14, 1862, influenced his sons to abdicate their enlistment and abandon the Confederate service. When the Confederate troops reoccupied Tahlequah on October 28, 1862, Lewis Perryman taking his wives, Hattie and Befeeny and his children abandoned his accumulations in the Territory and joined the Creek refugees near Burlington, Coffee County, Kansas where he passed away early in December 1862 and where he rests in an unknown grave. His sons enlisted in the Union army on December 7, 1862 and served until the conclusion of the war. His wives returned to the Territory.

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[10] Washington Irving, *A Tour on the Prairie* (Philadelphia, 1835), 4-5.

[11] John Bartlett Meserve, "Chief Opothleyahola," *Chronicles of Oklahoma*, IX, 439.

[12] *Records of the Adjutant General's Office* (Washington, D. C.).

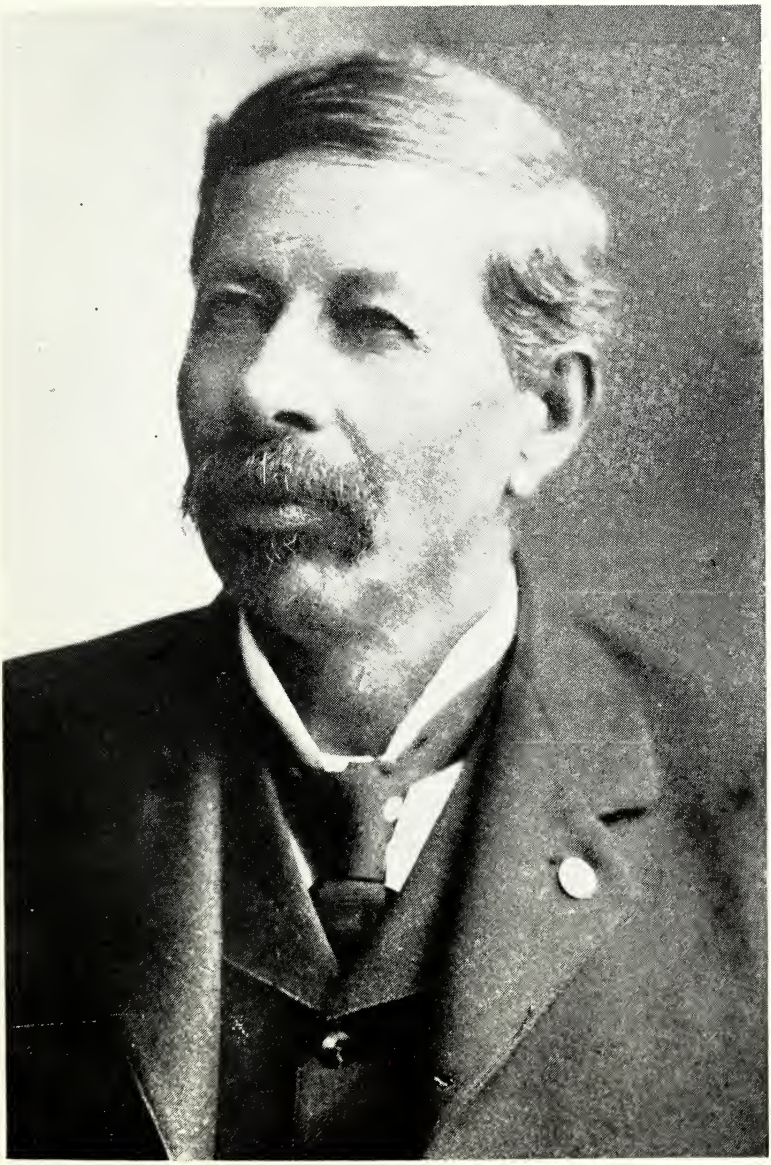
Hattie died at Choska in 1866 and Befeeny passed away in 1877 and both are buried at Coweta. Ellen died at Tulsa in 1854 and was buried in an erstwhile family burying ground between East 11th and East 13th streets and west of South Norfolk Ave. in Tulsa. The crude markings have long since disappeared and a residential section of the city now occupies the spot.

Sanford Ward Perryman,[13] eldest son of Lewis Perryman and Hattie, his wife, was born at Sodom, in 1834. He attended school at Coweta Mission and later at Tullahassee. He was a proficient interpreter and assisted Rev. W. S. Robertson and Rev. David Winslett, his half brother, in their Bible translations. After leaving school, he married Jane Garrison a teacher of the Tullahassee Mission, from Greenfield, Missouri. He enlisted as a private in the Confederate Army in the Civil War on August 9, 1861 in Company H of the First Creek Mounted Volunteers. He later and on December 7, 1862 enlisted in the Union army at Burlington, Kansas in Company I, First Regiment of Indian Home Guards, Kansas Infantry and was honorably discharged on May 31, 1865. Sanford was a character of much ability and served as a member of the Creek House of Warriors from 1868 to 1875, being speaker of that body from 1868 to 1870. He was a trustee of the Tullahassee Mission in 1867 and an elder of the Presbyterian church. He died at Coweta in the summer of 1876 and is buried in the old Coweta Mission cemetery.

Thomas Ward Perryman,[14] a son of Lewis Perryman and Hattie, his wife, was born at Big Springtown on the Verdigris, on July 24, 1839. He entered Tullahassee Mission upon its initial opening on March 1, 1850 where he remained until 1858 after which he assisted his father in the stock business. Upon the outbreak of the Civil War, he enlisted in the Confederate army on August 9, 1861 as a private in Company H of the First Mounted

[13] Pilling, *op. cit.*, 68.

[14] O'Beirne, *op, cit.*, 422; Muskogee *Phoenix*, September 7, 1902; Interviews with Walter L. Perryman, Tulsa, Oklahoma.



REV. THOMAS WARD PERRYMAN

Volunteers. When the Union forces entered the Territory in 1862, he reversed his allegiance, accompanied his father in his flight to Kansas and on December 7, 1862, at Burlington, Kansas, enlisted in the Union army in Company 1, First Regiment Indian Home Guards, Kansas Infantry, served through the war and was honorably discharged from service on May 31, 1865. During the war, he married a young woman of the tribe who died a few years later. After the war and in partnership with his brothers, he opened a trading store at Choska which was conducted for a couple of years. He taught school at Broken Arrow in 1868, after which he clerked for a period at Ft. Gibson. After the death of his wife, historic Tullahassee Mission of which he was a trustee in 1881, again challenged his interest and about 1872, he began a three years course in theology under Rev. W. S. Robertson in that institution. During this period and in later years he aided Mrs. A. E. W. Robertson in her New Testament translations. Thomas W. Perryman enriched the spiritual lives of his people by giving to them his translations of Genesis and the Book of Psalms. On May 15, 1874, he married Miss Eva L. Brown, a teacher at Tullahassee. She was a daughter of Robert Brown, was born at Kittanning, Pennsylvania on May 17, 1855 and died at Tulsa on March 26, 1922. She was an active aid to him in his labors at the Nuyaka Mission and in his field of spiritual endeavor among the Creeks. He was licensed as a minister by the Presbytery at Neosha, Kansas in the fall of 1875 and in the succeeding year was ordained by the Kansas Presbytery at a special meeting held at Wealaka and given charge of the western district of the Creek Nation. From henceforth his life was devoted to the spiritual welfare to his people and particularly the full bloods. His labors were amid environs not altogether sympathetic. As a delegate from the Creeks he attended the General Assembly of the Presbyterian Church at New York City in 1889.

The political life of Thomas W. Perryman ran contemporaneously with his religious activities. He served as a member of the Creek House of Warriors in 1868 from Big Springtown district and again in 1883 and became a strong factor in composing the tribal dissension provoked by Isparhecher in the Green Peach War.[15] He was reelected to the same position in 1887 and 1889 and served as chaplain of that body during his tenure. In 1871, he was chosen district attorney for six years and upon his reelection, resigned the position. He became a member of the House of Kings in 1891 and was again chosen in 1896 being the presiding officer of that body during both terms. He suffered defeat in his race for Principal Chief in 1895 at the hands of Isparhecher. Thomas W. Perryman with clear sighted vision favored the allotment of the tribal lands in severalty and subsequently was enrolled opposite roll number 6749 as evidenced by Creek census card number 2199. He represented the Creek Nation as a delegate to Washington in 1900, 1901 and 1902, was a negotiator and signer of the Creek Supplemental Agreement of June 30, 1902 and actively urged its ratification by the Creeks. He gave to the Creeks an untarnished service.

Thomas W. Perryman was a man of the highest integrity and purest purposes. He was sympathetic toward the delinquencies of his people as he sought to lift the standard of their vision. He was a most devout Christian and in a purposeful way practiced his professions. The nights were never too stormy nor the prairie trails too devious to deter him from answering the summons of the distressed among his people. Of him, the late Federal Judge John R. Thomas said, "He was one of the best men I ever knew. His word was as good as his bond and I never heard him speak evil of any one." He passed away at Kansas City, on February 11, 1903 and rests in the Oaklawn cemetery at Tulsa. Among the sons of men there have been many of larger vision, many whose

[15] John Bartlett Meserve, "Chief Isparchecher," *Chronicles of Oklahoma*, X, 52.

range of activities has been less circumscribed and many whose influence has been more potent in the affairs of this earth, but there has been none with finer soul, if consecration to duty, love of humanity and veneration of God are to be marks of the perfect man.

Extending to the south and west of the Verdigris Falls is a triangular area having an apex at the forks of the Verdigris and Arkansas rivers and extending northwestward along the north bank of the Arkansas toward the old Tullahassee Mission. In the very early days this region was called Sodom and it was in this section that Lewis Perryman established his home and where he lived until about 1838. Leguest Chouteau Perryman,[16] eldest son of Lewis Perryman and Ellen Winslett, his wife, was born at Sodom on March 1, 1838. He was named for Leguest Chouteau who was, at that time, an Osage sub-agent and ran a trading post on the Verdigris river near the Perryman settlement. He entered Tullahassee Mission on March 1, 1850 with Thomas W. Perryman, his half brother where he early evidenced a marked aptitude for mathematics. During his school years he did much translating of Bible history for the Presbyterian schools of the Creek Nation. In later years he compiled and translated the laws of the Creek Nation.

When the Civil War came, Legus C. Perryman and his brothers enlisted in the Confederate army on August 9, 1861, in Company H. of the First Creek Mounted Volunteers. He subsequently renounced this enlistment, fled with his father and the family to Kansas late in 1862 and on December 7, 1862 at Burlington, Kansas enlisted with his brothers in the Union army in Company I, First Regiment, Indian Home Guards, Kansas Infantry, served throughout the war and was honorably discharged on May 31, 1865 as a major sergeant. Col. Stephen H. Wattles was colonel of the regiment in the brigade commanded by Col. Wm. A. Phillips. He and his brothers were with the Union army in the fight at Web-

[16] O'Beirne, *op. cit.*, 105.

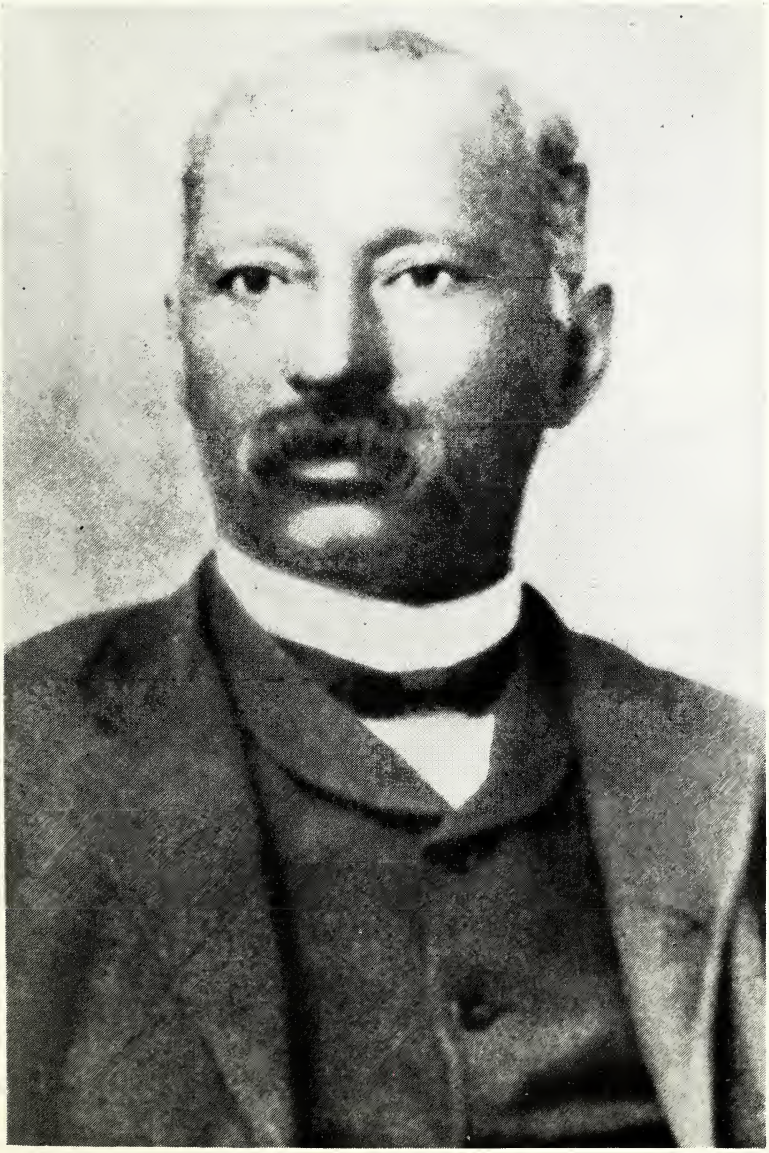
ber's Falls on April 24, 1863 and later at Honey Springs on July 17, 1863.[17] Other members of the Perryman family fought with the Confederates in both of these engagements. It is of interest to know that Samuel,[18] William, Noble, Joseph M., Tecumseh, Riley, Daniel, David, Havey, James, John, Louis and Possoner Perryman as well as Legus C. Perryman and his brothers, Sanford W., Thomas W., Josiah C. and Henry W. each enlisted in the same company and regiment in the Confederate army at the old Creek Agency, on the same day. Legus C. and his brothers later reversed their allegiance. The other enlisted members of the Perryman family remained in the Confederate service until the conclusion of the war. The inspiration upon the part of many of them was probably one of adventure.

There was not much semblance of order or program among the Creeks after the hostilities were over but a new Creek Nation succeeded the Civil War when the constitution of 1867 was adopted by a reunited tribe. Legus C. Perryman, who then lived near Coweta took an active part in the work of reconstruction. He served as judge of the Coweta district from 1868 to 1874 and in 1875 served briefly as prosecuting attorney for that district. From 1876 to 1882 he was a member of the House of Warriors. Having taken up his abode at Big Springtown, he represented that district in the House of Warriors from 1883 to 1887. He was admitted to practice law before the Creek Nation courts on October 22, 1878 and in 1882 and in 1885 was sent as a delegate to Washington during which period he became active in composing the troubles created by Isparhecher. In 1887, he served as a trustee of Tullahassee Mission at the same time being chairman of the board of trustees of the Wealaka Mission.

On September 6, 1887, Legus C. Perryman was elected Principal Chief of the Creek Nation, defeating his cousin, Chief Joseph

[17] Charles B. Freeman, "The Battle of Honey Springs," *Chronicles of Oklahoma*, XIII, 154.

[18] *Records of the Adjutant General's Office.*



LEGUS C. PERRYMAN,
CHIEF OF THE CREEK NATION

M. Perryman who was a candidate for reelection. He was easily reelected in 1891. His tenure as chief was rather uneventful save as the Government began to evidence its purpose to close up the political life of the Five Tribes in the Territory. A newly created United States Court convened at Muskogee in 1889 and the Dawes Commission made its initial visit to the Territory in 1893. After an investigation made by the Secretary of the Interior, it became manifest to the authorities at Washington that an improvident employment of tribal monies was being made.[19] Cash in the tribal treasuries of the Five Tribes, whether derived from the Government through payment of treaty obligations or by some modest form of taxation, provoked a vulnerable spot and, to careless tribal officials, became a veritable Achilles heel. Funds in the Creek National treasury presented a constant temptation and officials had been derelict in conserving the cash reserves of the tribe. Perryman, being chief at the time of the investigation, the onus of all past as well as present delinquencies fell upon him. An irresponsibility in the financial affairs of the tribe seemed to feature the concluding months of his administration. Charges of the issuance of duplicate and unauthorized treasury warrants were hurled at the old chieftain and his personal safety was threatened by armed members of the tribe who gathered at the capitol at Okmulgee in the early summer of 1895. The chief may have been innocent of any wrongful conversion of the monies from the tribal treasury but he evidenced a marked weakness in the hands of designing persons who made use of him for ulterior purposes. He was led into treacherous environments by men whom he had every reason to trust. The Creek National Council, after a hearing, impeached and removed the chief and the national treasurer from office on June 8, 1895 and Edward Bullette became the acting chief for the remainder of his term. The whole affair carried with it a heavy smudge of detail in which others became involved, some of whom were sent

[19] Charles F. Meserve, *The Dawes Commission and the Five Civilized Tribes* (Philadelphia, 1896), 11 *et seq.*

to prison. This impeachment carried with it his denial of all future political rights but these were restored by action of the council on December 21, 1898. The political irregularities in the Creek Nation at this time were somewhat contemporaneous with political escapades among the other tribes in the old Territory. The Government at Washington was about persuaded that self-government by the Five Tribes was just another synthetic rainbow. Conditions developed which influenced the Government to abdicate its vacillating policy and hasten its efforts to close up the political autonomy of these tribes.

The ensuing Creek tribal election held in the fall of 1895 was bitterly contested. The allotment of the tribal domain and the winding up of the political life of the tribe became controversial. The political influence of Chief Legus C. Perryman had lapsed. Thomas W. Perryman, his half brother, whose ideas comported with the Federal Government, was defeated by the turbulent Isparhecher who was able to marshal to his support the full blood Indians and certain organized predatory interests which were opposing allotment. The election of Isparhecher was a concluding gesture of opposition to the purposes of the Government and the old Chieftain was unwittingly to become a silent pallbearer of the political life of the Creek Nation which was then in the throes of final dissolution.

Among the Creek refugees at Ft. Gibson with the Union army in 1864 were Sathanake and her two young daughters, Arparye and Eshoya. Enfalota or Miller, the father of Arparye, was killed at the battle of Chusto-Talaseh or Caving Bank northeast of Tulsa on December 9, 1861 where he served in the Confederate army. Legus C. Perryman and his brothers also were engaged in this battle as Confederate soldiers. He married Arparye, also known as Jennie, at Ft. Gibson in 1864. She was born in the Canadian River country in 1848 and died at Tulsa on January 7, 1904. After his discharge from the Union army he removed to Coweta and

early in 1871 added Eshoya, the half sister of Arparye to his domestic life. She was born in 1856 and died at Coweta in 1877. After the death of Eshoya, he removed with his family to a farm south of Tulsa.

Upon his retirement from office the Chief became rather inactive in political affairs, although he did make a gesture as a candidate for Principal Chief in 1899 when Pleasant Porter was elected. On the Creek tribal rolls his name appears opposite Roll No. 2493 as shown by Census Card No. 910.

The chief was an interesting character, far above the average of his people in intelligence and self-training. He kept abreast of current events by constant reading. The Creeks had no kinder soul, his greatest difficulty being to distinguish real from mercenary friends. In the years after Statehood, he became, more or less, a "lone wolf." He traveled memory trails now as his life interest shifted to a past which had disappeared in the twilight of yesterday. His abdication to strong drink in his later years well nigh accomplished his moral bankruptcy. Broken in spirit, body and purse, he passed on to an untroubled sleep at Tulsa on February 5, 1922. He rests in the old Perryman family burying ground below 31st street in Tulsa, where tall weeds wave in the summer air above his unmarked and neglected resting place. But, with Alex Posey,

> "All had to die at las';
> I live long time, but now my days was few;
> "Fore long poke-weeds an' grass
> Be growin' all aroun' my grave-house, too."

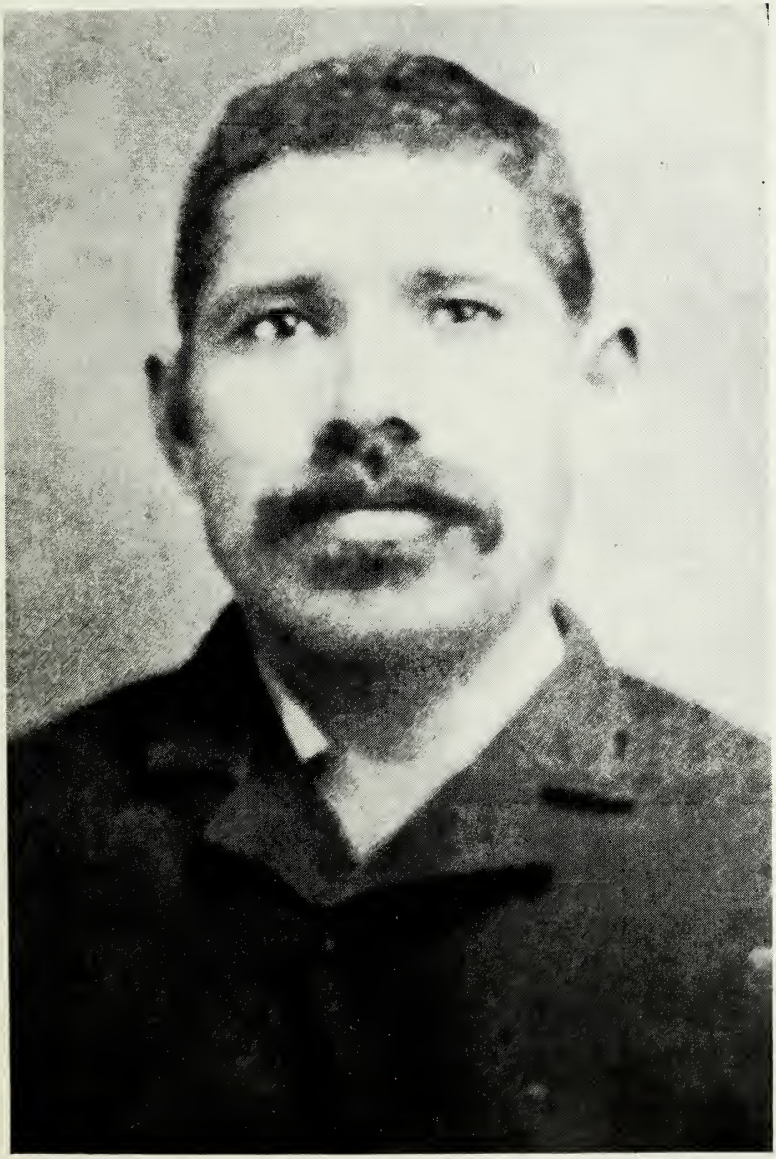
Josiah Chouteau Perryman, a son of Lewis Perryman and Ellen Winslett, his wife, was born at Big Springtown, on April 25, 1840. He entered Tullahassee Mission on March 1, 1850 and after eight years joined his brothers at Choska. He enlisted in the Confederate army in the company with his brother Legus C. Perryman

in 1861 and later joined him in the enlistment in the Union army at Burlington, Kansas on December 7, 1862. After the war, he married Martha Maupin, a white lady and lived at Tulsa. He was a member of the Presbyterian church being an elder of that faith in the early days of the Tulsa church. He lived on what is today 41st street in Tulsa where the first post office was established at Tulsa on March 25, 1879 and Josiah C. Perryman was named the first postmaster. The mails were relayed by pony riders from Coffeyville, Kansas. When the Frisco railroad came to Tulsa in 1882, he removed the postoffice down to the settlement near the station, resigned shortly thereafter and J. M. Hall was appointed to succeed him. He engaged in the mercantile business in Tulsa for a time and died on March 3, 1889 and is buried in the old Perryman burying ground at Tulsa. Josiah C. Perryman was one of the most highly respected citizens of the Creek Nation.

George Beecher Perryman,[20] a son of Lewis Perryman and Ellen Winslett, his wife, was born at Big Springtown on April 17, 1847. He was briefly educated at Tullahassee Mission but at eighteen began farming and stock raising, which business he continued during his life. He never engaged in politics nor did he render any military service in the Civil War. He married Rachel Alexander in 1868. She was a daughter of ____ Alexander and Hannah, his wife, was born in 1852 and died at Tulsa on February 6, 1933.

George B. Perryman was an astute business man and lived and maintained the base of his operations at Tulsa where he enjoyed a most ornate and comfortable home. Like the cattle men of the Territory at that time, he ran a store which was in fact a trading post because he exchanged his merchandise for cattle. Money was a rare commodity among the Indians during those years and calves became the medium of exchange at the store of George B. Perryman. As a consequence, his herds assumed proportions and during the grazing season, occupied his vast range along the Ark-

[20] O'Beirne, *op. cit.*, 410.



GEORGE B. PERRYMAN

ansas valley south and east of Tulsa. He became the Indian cattle king of the Creek Nation. In addition to his grazing lands, he had, at that time, 1000 acres of farm land under cultivation upon which corn was raised to provision his winter stock.

The cattle industry provoked an era of perilous times in the Southwest.[21] The tragic death of Goob Childers, a Creek Indian, mirrors the abnormal conditions and at the same time reflects the sterling qualities of George B. Perryman. One Bill Jones, a white man having in the background a record of having slain a negro in Texas, was foreman on the Perryman ranch. Threats made by Childers of his purpose to kill Perryman were conveyed to the latter and as Childers, heavily armed, approached the Perryman home, he was greeted by a rifle shot and died with his boots on. Such tragedies were not isolated. Perryman assumed full responsibility for the killing although, in fact, the shot was fired by Bill Jones, the ranch foreman. Had the onus of the killing fallen upon Jones, he would have been summoned before the court of Judge Parker at Ft. Smith, Arkansas, with unpredictable results. Perryman was answerable alone to the Creek tribal courts and no action was taken. Childers left several children and these Perryman took into his home and reared and cared for. The finality of this incident is reflective of the generous and charitable character of George B. Perryman. His home was ever an asylum for the orphan needy of his race. He died at Tulsa on April 21, 1899 and is buried in the old Perryman burying ground at that place.

In the story of the Perrymans, we glimpse a rather complete cross section of Creek Indian life in the old Territory during the concluding fifty years of their tribal existence. Through various members of the family, influential positions were occupied in the spiritual, political and economic life of these people. In their religious inspirations, we may discern the patient, self-sacrificing la-

[21] John Bartlett Meserve, "Chief Wilson Nathaniel Jones," *Chronicles of Oklahoma*, XIV, 419.

bors of Rev. W. S. Robertson and his most estimable wife, and through them, the influence of the great Cherokee Messenger, Dr. Samuel Austin Worcester may be observed. That influence, having its inception at the old Tullahassee Presbyterian Mission in the decade before the Civil War, still abides through living members of the family. The old Mission is today a ghost town and lingers only through its yesterdays.[22] The church was the great social center during that period as it also was in the recoupment days from the spiritual wreckage following the Civil War.[23] Members of the family were potent in their influence upon the tortuous political life of the Creek Nation during its concluding decades. The Creeks responded rather slowly to the newer forms of human organization but it is of no avail to pyramid their eccentricities. In the economic affairs of the Creeks, the Perrymans occupied a high and engaging influence. The world to which they belonged has gone or is slipping away but the thoughtful student, having a proper regard for the sources of history, may not disregard the Perryman family when an approach is made to a history of the Creek Indians in the West.

[22] Grant Foreman, *Five Civilized Tribes* (Norman, 1934), 194.

[23] Chilli McIntosh sought the mourners' bench at a Baptist revival held on the North Fork on July 7, 1848 and subsequently became a Baptist minister.

JUDGE CHARLES B. STUART[1]

By J. R. Keaton[2]

This is indeed, a memorable occasion for the bar of the Eastern Federal District of Oklahoma.[3] No more fitting or worthy service could be performed by the surviving members of the bar of this district than to assemble and collectively pay proper tribute to the work and character of two such outstanding lawyers as Charles B. Stuart and James B. Gordon. This, notwithstanding the fact that their splendid services to our profession and nobility of spirit are indelibly enshrined in the memories of all who knew them well.

As per previous assignment, my remarks shall be directed to certain phases of the career of Honorable Charles B. Stuart as lawyer, judge, and scholar. The Resolutions just read and adopted give such a complete, though succinct, history of his life and achievements, including the high esteem in which he was held, as to leave little more to be said thereon without duplication.

I was honored by an invitation from the executive officers of the Oklahoma Memorial Association to deliver a memorial address on the life and services of Judge Stuart, at the annual meeting of that association held on November 16, 1936, which I gladly accepted. For use on this occasion, I have revised that address by eliminating certain portions thereof and adding some new matter thereto.

It was not my good fortune to know Judge Stuart personally during the period he occupied the bench of the district and appellate courts of the Indian Territory, hence have no personal knowledge of the character of work performed by him in those positions;

[1]Address in the District Court of the United States for the Eastern District of Oklahoma. To the Honorable Robert L. Williams, Judge Presiding: and To the Honorable Albert P. Murrah, Judge presiding.

[2]Mr. J. R. Keaton, Esq., vacation appointment by President Grover Cleveland was made on September 19, 1896 confirmed by Senate Feb. 11, 1897, as Associate Justice of Supreme Court of Oklahoma Territory.

[3]April 26, 1937, at McAlester, Oklahoma.

but, from information which I regard as reliable, I am justified in saying that his accomplishments therein were outstanding, if not remarkable. With practically no code of procedure, and but few precedents, he had to hew his own trial in interpreting and declaring the law on many new, varied, and complicated questions of paramount importance. He performed this judicial service in such manner as to command the respect and approval of all law-abiding citizens within the jurisdiction of his court.

So, having first-hand knowledge of his career as a practitioner for more than a quarter of a century, I shall devote most of this address to a delineation of his skill, ability, and achievements as a lawyer. His work was largely that of an advocate, which gave full opportunity for the display of his abundant resources. In the arena, leading the fight for the success of his clients' cause, he had few, if any, peers.

Though thoroughly versed in both the science and mechanics of law; familiar with the rules of practice and procedure; a counselor in whose judgment clients could safely rely; equal in fact to all demands of the profession; yet, he shrank from the drudgeries these accomplishments required. In a trial, either to court or jury, he was the embodiment of vibrant, nervous action; alert to every opportunity; quick to seize upon every advantage. It was his capacity to present the broad, underlying principles of the law as a science, "his philosophical insight into the original principles, and his passion for analytical investigation" that made him a truly great lawyer.

One element of his great force as a lawyer was his power of coordination, his capacity to unravel and make plain complicated statements of fact, to detect and present only the main or controlling principles. In his legal arguments, he presented few authorities, but every one so cited was directly in point. Thus, did the secret of his success lie in his endeavor to simplify and never to confuse, whether addressing a trial judge or the judges of the Supreme, or other appellate, court.

As aids to his powerful mentality, he was large of stature, near perfect in physique, had a strong, far-reaching, yet well-modu-

lated voice—in fact possessed a commanding presence and a most impressive personality.

He was a persistent reader of the classics, both ancient and modern, especially during the later years of his life. Judge Stuart spent many pleasant and profitable hours alone in the library of his home in Oklahoma City, communing with the masters of science, fiction, and philosophy. As do most hard-working men with well-trained minds, he particularly enjoyed reading the better class of detective stories.

Upon his oratorical powers, perhaps more than any other of his many gifts, will his reputation as a lawyer finally rest. His eloquence, however, had none of the flowery, sophomoric flavor but, as before stated, was wholly of the analytical, philosophical, and argumentative character. As an advocate before either court or jury with a cause in which he was thoroughly interested, he was well nigh invincible.

In an article prepared by Judge Robert L. Williams, while Chief Justice of the Supreme Court of Oklahoma, and published in the *Medico-Legal Journal,* December 1908 (Vol. 26, Issue No. 3, page 218) it is said of Judge Stuart:

> "Whilst his career on the bench was creditable, marked with integrity and characterized by ability yet if we were called upon to say in what field he signally excels, we would say that it was in the forum, rather than on the bench. In the realm of thought, in incisive, logical and concise discrimination, with such a magnetic and persuasive power as to overwhelm others and induce them to agree with him, he has no superior and but few equals." In the concluding paragraph thereof, it is further said:
>
> "Courteous, logical, concise, forceful, discrimination, masterful and eloquent, possessing not only a comprehensive knowledge of all its branches, but with a wonderful perception also of the probative force of testimony, he stands in the forum like Saul of old, commanding the admiration of all."

No lawyer had a higher appreciation of the relation of attorney and client than Judge Stuart. He made the cause of his client his cause. Having established that relation, neither the size of the fee nor the amount involved diminished his zeal. Absolute fidelity to every trust was the dominating passion of his life. He was a past-master at repartee and sarcasm and on rare occasion, called into service a form of the latter that scorched everything it touched.

As other great lawyers, he regarded the Constitution of the United States as the "Ark of the Covenant" of our American system of government. With a devotion unsurpassed, he openly and unwaveringly sustained those great principles therein enunciated, guaranteeing the liberties of the citizens and the sovereign rights of the states. He fully agreed with Francis Lieber who, in his great work on Civil Liberty and Self Government, said:

> "Man is too feeble to wield unlimited power, and too noble to submit to it."

With equal devotion, he believed in upholding the final decrees of our courts, especially those of the United States Supreme Court, knowing full well that any other attitude on the part of our people would inevitably result in chaos and revolution.

As illustrative of his position on this question, I well remember his masterful speech before a joint meeting of the Senate and House of the Sixth Oklahoma Legislature, answering an argument by United States Senator Robert L. Owen. The subject of the debate was. "Shall the Federal Courts be deprived of their power to declare acts of Congress unconstitutional?" (See S. L. 1917, Senate Concurrent Resolution No. 8, page 338) The Senator supported the affirmative thereof, and Judge Stuart opposed same. At the close of the arguments pro and con, the members of both houses voted nearly unanimously in the negative.

Hon. Harry H. Rogers, now of the law firm of Rogers & Stephenson of Tulsa, Oklahoma, was a member of the House of Representatives of that (6th) Legislature and his recollection is,

that the question discussed by Senator Owen and Judge Stuart was the "Recall of Judicial Opinion." In a letter to me, dated April 22, 1937, he says, in part:

> "Replying to your favor of April 15, in regard to the address of Judge C. B. Stuart, beg to state that my recollection is that Senator Robert L. Owen had addressed the Legislature, asking it to pass a resolution requesting Congress to pass a law authorizing the recall of judicial opinions. After he had made his talk Judge Stuart was then asked to answer this argument—This he did in an able manner; in fact, I think it was the greatest address I ever heard Judge Stuart make, and I heard him make many."

While always deeply interested in the more important political questions and policies, Judge Stuart, as stated in the resolutions, never sought public office.

In this connection, I unhesitatingly assert that, during his generation, the country never needed men of his type—possessing such courage, character, ability, and devotion to duty—so much as at the present time. In nothing was he greater than in his absolute independence of thought and action and in adhering to his convictions regardless of consequences.

It will always be a source of deepest regret that so few of Judge Stuart's speeches have been preserved. This misfortune arises from the fact that, so far as I have been able to ascertain, he never wrote a speech. Only those few that were taken by shorthand reporters are now accessible.

Gifted by Nature with a remarkable memory, he improved it almost daily by memorizing some forceful, elevating maxim.

The following eulogy recently pronounced on a great Kentucky lawyer, is equally applicable to Judge Stuart:

> "Like a magnet he drew and like a sponge he absorbed information from every source. The humblest workman supplied his mind with information he could not acquire

from the highly educated. From the whole scheme of Nature he extracted the philosophy of life. He loved the flowers because they typified the pure and beautiful; he loved the vine because its fruit was typical of our invisible being; he loved to sit alone and muse on the myriad hosts of the sky, because they typified the force of sublime silence. In the trees he heard the tongue that spoke no evil; in the murmuring brook he read the story of ceaseless action; in the stones he found sermons unmarred by cant or dogma."

In a toast delivered at the Charleston Bar Dinner on May 10, 1747, Daniel Webster gave expression to the following pregnant sentence:

"The Law: It has honored us, may we honor it."

Throughout Judge Stuart's long professional career, his every word and act gave vindication to this epigram.

When the history of the bench and bar of Oklahoma's pioneer days shall have been written, I predict that Charles B. Stuart will head the list of those indomitable souls who blazed the trails that have since become the legal highways of this great Commonwealth. We of today profit, not only from what those stalwart pioneers wrought in the all-important matter of righteously construing, applying, and enforcing the law, but also because we treasure the lives of those who have ennobled our profession as "Sceptered sovereigns that continue to rule our spirits from their urns."

At last, on October 30, 1936, after a most useful and eventful life and when approaching the age of four score years, he was called to the Great Beyond; and, for aught we know, he may there meet and commune with such kindred and congenial spirits of former comrades at the bar as those of Joseph W. Bailey, Yancy Lews, James H. Gordon, A. C. Cruce, and John F. Sharp. By his passing, the bar of Oklahoma, and the bar of America, have lost a most valued and inspiring member.

EDUCATION OF WHITE CHILDREN IN THE INDIAN TERRITORY

By Frank A. Balyeat

One of the most interesting chapters in the history of education of the whole world is that of the Five Civilized Tribes during the three-quarters of a century that they occupied the Indian Territory before it became a part of the State of Oklahoma. Much less is known of the lack of schools for the multitude of white children who shared this area in the last forty years of the territory.

Prior to about 1870 the education of the white children in the Indian Territory was not a serious problem. The families of missionaries, of government officials, and the few white traders had access to the mission schools and, in some cases, as tuition pupils to the tribal schools. Some parents who could afford to do so sent their children back to the States. As the number of pupils increased slightly, parents co-operated to provide a building in which a teacher was employed by the group or else taught a subscription school. Railway employees and miners had not yet come to the Territory, and slave labor had made unnecessary the importing of farm hands or cotton tenants. Hence, prior to about 1870, the total number of whites in the Indian Territory was small and their children did not suffer for lack of schools.

Though this was still the Red Man's realm, the white race that had crowded him out of the East was now ready and eager to crowd into the land that had been assigned to the Indian and assured to him and his heirs forever. As available free land was becoming exhausted, land hunters and home seekers looked with covetous eyes at this fertile and attractive "island" on which the rising tide of Westward expansion had to divide. Many did not know of the solemn treaty promises by the United States to preserve this region forever as an Indian country and to protect it from

the whites. Some who did know of these treaties thought of clever evasions and arguments for abrogation. While the statesmen moralized and deliberated, the home seeker and the speculator determined to go in and possess the land. The economic law of demand for the best and most accessible free land was beginning to enforce itself, and with a vengeance that could not long be withstood. Treaty pledges were soon forgotten or broken.

The discovery of coal and the beginning of railroads hastened the rate at which the white population filtered in after about 1870. Inasmuch as the Indian Territory was never included in the federal census before 1890, it is impossible to tell how many whites there were before that time. The census of 1890 showed 109,000 white people in Indian territory, or 61% of the entire population. If Agent Benett's proportions in his 1889 estimate are applied to the 1890 census figures, then 42% of the Indian Territory white population were farm laborers and mechanics, with their families. These held government permits to live there. About 25% were licensed traders, government employees, miners, and railway employees, with their families. Another 3% were classified as sojourners, prospectors, and visitors. The remaining 32% of the whites were characterized by the government agent as interlopers and criminals, principally refugees from border states. Certainly a motley array of white population.

From reliable reports and estimates we may safely assume that there were at least 30,000 white children of school age in 1890. At least 80% of these did not and could not attend a free school and more than 50% did not have access to a school of any sort. The lack of schools was tragic. Not a rural area in Indian Territory could organize on a legal basis at any time before statehood. Nor were villages under 200 population nor suburbs outside of corporate limits entitled to tax for any purpose. Yet tens of thousands were growing up under such conditions. A small minority attended tribal schools

as tuition pupils. Most farmers could not or would not send under these circumstances.

In some rural communities the prevailing spirit was for schools. In these areas some leader would organize a nucleus of parents to build a school house by subscription and donated labor. Often the movement began in a neighborhood Sunday School or through the efforts of an itinerant preacher. Such buildings, erected wholly at the expense of parents with large families and small means, were necessarily inexpensive and crudely furnished and equipped. Districts were usually large and many of the children rode ponies to school, if the creeks could be forded or if some cattle rancher had not recently fenced across the only available road.

A committee of parents or some self-chosen leader directed the cooperative effort of providing schools for this rapidly increasing multitude of neglected and deserving white children. Teachers were chosen from the nondescript applicants and either allowed to use the building for a subscription school or had the meager salary guaranteed by a few of the more ambitious parents. The teacher taught as he pleased and from such texts as he knew or could get, reported to no one, and was supervised by no one. While there were many very worthy and efficient teachers, there were many who could not qualify in the tribal and the town schools. Some were self-styled "professors", who often turned out to be men who had real and urgent reasons for moving out of the States.

Many of the farmers raised cotton on land rented from the Indians and just barely made a living. As a federal supervisor once observed, most of them could not have been convicted on a charge of race suicide. The majority of them felt that as soon as a child was old enough to attend school he was large enough to hoe and pick cotton, hence his school attendance was brief and irregular. The result was that an unusually high percentage of the native white population was illiterate. To be sure, there were many

of the inferior class that had drifted into the Indian Territory, but a majority of these farmers were sturdy, well-meaning, hard-working parents who deeply regretted that their children were denied the educational opportunities then becoming common in most parts of the United States.

Federal supervisors of the schools of the Five Tribes repeatedly and insistently appealed to Congress for aid. Precedents and misunderstanding delayed federal aid for the white children. The various sections held mass meetings to discuss the deplorable situation and to memorialize Congress for relief. In 1901 congress authorized an investigation to determine "whether it is practicable to provide a system of taxation of personal property, occupations, franchises, and so forth, in the Indian Territory to maintain a system of free schools. . ." The report of the investigating Commissioner said in part, "I doubt if there is a section in the United States today where there is such a deplorable condition as to education for the masses. . . as the Territory presents." He found in the Indian Territory 560 post offices, 108 incorporated towns, and 42 others large enough to incorporate. One-third of the incorporated towns had no tax systems and some of the others had not provided tax support for schools.

In 1904 Congress appropriated $100,000.00 which was used to extend educational opportunities to Indian Territory white children. Each year till statehood, in 1907, the appropriation was repeated, and in the last year reached $300,000.00.

This money was used for the rural areas and was limited to those communities with most children. Hence the towns and many of the more sparsely settled rural areas could not be included in the limited program. Each rural community had to provide its own building, as the federal money could be used only for teachers' pay. In some communities the white children attended the government rural schools provided for Indians out of tribal funds, the federal appropriation being used in the form of tuition. As late

as 1906 not more than half of the petitioning communities could be granted schools.

Railroads and mines and the growing farming and stock raising industries called for towns. At first along the railroads, then at several inland places, boys and girls were brought together faster than educational facilities could be provided. Until 1898 no legal means existed for organizing town schools. Private and subscription schools served the minority that was being educated in these towns and villages, for they could not share the federal money.

Many interesting stories are told of how these communities cooperatively and voluntarily started school systems in their towns. Varied and ingenious were the plans for raising the needed school revenue. Many of the hastily improvised buildings or those rented for the purpose were badly over-crowded. There was no system for certificating teachers. In most places the retarded pupils were not ready for high school work, but those who were ready were long denied this privilege in many of the communities. Terms were usually short and teachers poorly paid.

After 1902 incorporated towns of 2,000 population of the Indian Territory could vote bonds for municipal improvements, including school houses. That made for expanded and improved school opportunities in these towns. But just as the support was entirely local, so was the authority and responsibility. There was no Territorial school system.

Thus in the two decades immediately preceding statehood, the numerous and rapidly increasing white population got a slow and meager start toward schooling. The special federal census of 1907 showed 538,000 whites in the Indian Territory, an increase of 275% in 17 years, and was then 79% of the entire population of the Territory. There were then nearly 200,000 white children between 6 and 20 years of age. Few of these had educational chances com-

parable with even the slower States, while most of these children had little schooling at all and that of a poor sort.

It is impossible to measure the results of educational opportunity as existed for Indian Territory white children prior to 1907. Several contemporary writers pointed out that increased crime came from the idleness and ignorance of the youth. But for every person who became a criminal because of this neglect, there were doubtless hundreds whose vocational and civic efficiency was greatly lessened, whose ability to enjoy the fruits of their labors was decreased, and whose attitude toward society and government was distorted by their limited educational attainment. The effect has varied with the type of individual. Many parents have come to accept ignorance as pardonable and have ambition for their children to take school advantages now that they are offered. Some even oppose schools. The number who developed these attitudes during the years of school famine is astonishing, yet these are decidedly in the minority. For most of the parents and children the coming of statehood, with its free school system, was an emancipation. For them the many lean years when they were denied the right to provide schools for their children seemed to develop a strong determination to make good the loss when the barriers were removed.

One tangible result of lack of schools is seen in the illiteracy of native whites, ten years old and over, as shown by the census of 1910. In some counties as many as 13% of the whites over ten years old were illiterate, though most of the Indian Territory counties ranged from about 4% to 9%. The 1920 census showed that 13 years of a free school system had greatly reduced the white illiteracy, in many counties reducing the percentage to less than half of what it was in 1910.

Not all of this improvement in the percentage that could read and write was a result of the free school system for white children, as well as for the Indians who had been cared for all along. Much

of the results came from schools for adults, the "moonlight" schools, as they were called. The way in which many of these grown folk have responded to these advantages has been as pathetic as it has encouraging. Only time can erase the blot of this part of America that was caused by enforced and unavoidable ignorance. Many agencies and forces have been cooperating in the determined effort to hasten the erasure.

JUDGE JAMES H. GORDON

By Preston C. West

The Athenians required by law an annual oration in honor of those who sacrificed their lives in fighting for their country. We are met today with one mind and one heart to do honor to a hero of peace.[1]

Almost fifty years have passed since I first met James Herndon Gordon. Neither of us had then heard of the other. The purely accidental circumstance of our being assigned the same quarters when we entered the law department of the University of Virginia was the beginning of a lifelong friendship. The blessed memory of him who is gone makes my duty today indeed a labor of love. Would that my tongue were equal to the task of translating into noble and melodious words the picture of the honorable man, the splendid citizen, the great lawyer, the devoted husband, the loving father, and the faithful friend whose loss we mourn and whose virtues we shall cherish always.

Owing to a peculiar reticence about himself—for with him, as with few other men I have ever known, the use of the personal pronoun was almost a lost art—not even his intimates knew much of the details of his boyhood. His life in Indian Territory and Oklahoma is an open book. In its fair pages is recorded a story that is worthy the emulation of us all.

His father, Andrew J. Gordon, was a native of Vermont; his mother, Lucy Herndon Willis Gordon, was born in that part of Virginia known as the wilderness. Thus in his veins was mingled the blood of the Puritan and the Cavalier.

The father established a boys' academy at Locust Dale, Virginia, in 1858, which he conducted until his death, in 1876. There "Jim" Gordon, as we all affectionately called him, was born October 3, 1868. There his mother died when he was but five years old, and his father when he was but eight. Fortunately for him, he

[1] Address delivered at McAlester, April 26, 1937, in the District Court of the United States for the Eastern District of Oklahoma.

had an older sister who became both sister and mother. This sister, Mrs. Briggs, it was my good fortune to meet and know while I was a student at the university. She undoubtedly had a large share in shaping the character of the man we honor today. After the father's death she married Mr. Briggs, who was conducting a boys' school at Suffolk, Virginia. Her husband took over the Locust Dale academy and was still conducting it when I knew them. Judge Gordon got his early education at that institution, and before taking his academic degree at the university, for a time taught some classes there. His legal education was acquired while that great teacher Professor Minor was at the head of the faculty of law at the University of Virginia, and he received the degree of Bachelor of Law in 1890.

At twenty, when I first knew him, he was more mature in both character and intellect than the vast majority of men at thirty; but for all that, none the less a youth, with all the joyous fullness of life that belongs to young manhood. He was not only a cheerful and winning companion, but even not above an occasional practical joke. Throughout life he possessed a rare and subtle humor and a gentle and kindly satire which was the delight of all who knew him; as it was also often the means of dissipating false notions and putting things in their true light.

During his law course at the University, Congress passed an Act, approved May 2, 1890, enlarging the jurisdiction of the United States Court in the Indian Territory, established the preceding year; divided the territory into three divisions; and provided that: "the second division shall consist of the Choctaw County, and the place for holding said Court therein shall be at South McAlester." This was a determining factor in his life; he decided to come to what was then Indian Territory and arrived here July 20, 1890. Then for a short while we were both associated with one of my early preceptors in the law, Hon. Thomas P. Winchester, of Fort Smith, Arkansas, with offices at both Fort Smith and McAlester—an association which, though only a brief duration, had only pleasant memories for us all. He next formed a partnership with J. H. Harley, but this partnership also was not to continue for very long.

In 1895 Judge C. H. Stuart resigned the United States judgeship in Indian Territory, and for fifteen years thereafter he and Judge Gordon were law partners. For a time William Harley was also a junior member of the firm. Judge Yancey Lewis succeeded Judge Stuart on the bench and filled out his unexpired term. From that time until Judge Lewis became Dean of Law at the University of Texas, the firm was Stuart, Lewis and Gordon.

In 1909, William C. Liedtke, afterwards judge of the Superior Court, was associated with the firm of Stuart and Gordon, and before his elevation to the bench became a member of the firm. When Judge Stuart removed to Oklahoma City, in 1911, Mr. E. E. McInnis joined Judge Gordon, and from then until December 1918, when Mr. McInnis became solicitor for the Santa Fe, the firm was Gordon and McInnis. After the dissolution of this firm Judge Gordon practiced alone until 1929, when his son, A. James Gordon, became his junior partner, and father and son, as Gordon and Gordon, practiced at McAlester until the father's death, last October.

Judge Gordon was one of the organizers of the First National Bank at McAlester, served almost forty years as a director thereof, and was several times its president. He was appointed Master in Chancery of the United States Court in 1895; was chosen President of Oklahoma State Bar Association in 1911; and was a member of the first board of governors of "State Bar of Oklahoma." He was State Chairman of the Third Liberty Loan during the World War. In April 1924 Governor Trapp appointed him to fill a vacancy on the State Supreme Court.

Judge Gordon Married Bertha L. Frederick at Litchfield, Illinois, April 4, 1900. Mrs. Gordon was born at New Offenburg, Missouri. Their union was blessed with two children: a son, A. James, and a daughter, Margaret.

This recital of the principal events of Judge Gordon's professional and business life, and his public services, while it tells a story of more than ordinary achievement, gives no adequate picture of the lawyer or the man. His career in his chosen field of endeavor was marked with abundant success, and full of those honors

most dearly prized by a lawyer. For nearly half a century he has typified and exemplified the highest ideals of the profession. And this not because of any conscious and deliberate effort toward that shining mark, but because nothing else was possible for James Herndon Gordon, the man.

Every impulse of his nature forbade the resort under any circumstances to the devious ways of the trickster. For him no path to fame or fortune existed except that of civic virtue and professional probity. It never occurred to his honest and straightforward mind to attempt to warp the facts to meet the law. Instead, he sought at source the legal principles of law applicable to the facts of the specific controversy, and deduced the true rule which would work equity and justice in his client's behalf.

As a trial lawyer he was preeminently successful because he always knew his case. He had the happy faculty of bringing home to both court and jury a true picture of both the law and the facts. Without any attempt at dramatic art, scorning to resort to appeals to passion or prejudice—alas, an all too common device in our forums—he won his cases by convincing logic, persuasive reason, and fairness of presentation.

Judge Gordon's all too short period of service upon the highest judicial tribunal of the State established and confirmed his title to greatness as a sound lawyer and an accomplished jurist. His opinions unfailingly rang true. He never undertook to overlay them with any ostentatious display of learning, howsoever inviting the field and opportunity; nor to adorn them with those flowery dissertations which, though they may furnish attractive reading matter, are seldom of much benefit to the practitioner. He had the happy faculty of going to the very core of the controversy, and setting forth his conclusions in such luminous and understandable form as left no obscurity, and gave the sanction of authority to the result. Could he have remained on the bench for the balance of his life, although it would have been a tremendous personal sacrifice, it would have been of inestimable advantage to the jurisprudence of the State. To his family, and his devoted and admiring friends, his judicial record is a priceless heritage.

But it was perhaps as a counselor that the full stature of his splendid mind and character was attained. He had that fine balance of courage, foresight, and sound common sense which in combination with uprightness of character and integrity of purpose made him an ideal adviser for those who wished to know in advance the probable legal and financial results of any contemplated course; he was a tower of strength and comfort to all who sought the law's strong arm against wrong, oppression, and fraud. No man ever more fully measured up to the ideal of a lawyer's true position, and the duty his relationship to his client implies and requires, so aptly summarized by another great lawyer and judge in these words:

> "An attorney is a man set apart by the law to expound to all persons who seek him the laws of the land, relating to high interest of property, liberty and life. To this end he is licensed and permitted to charge for his services. The relation he bears to his client implies the highest trust and confidence. The client lays bare to his attorney his very nature and heart, and leans and relies upon him for support in the saddest hours of his life—knowing not which way to go to attain his rights, he puts himself under the guidance of his attorney, and confides that he will lead him aright."

No man ever more faithfully discharged those duties, or better lived up to the standards which have always been the beacons set by the wisest and best of our profession. He never forgot that the very foundations of civil law rest upon the protection of right and the prevention of wrong. For him the practice of his calling meant the suppression of blackmail, restraint of cupidity, the fostering of truth, and, wherever possible, amicable settlement of bitter controversies. He was, indeed, a true hierophant at the altar of justice.

And so today, while we mourn his loss, we glory in the record of his attainments, and are consoled by the reflection that his character, his service, his friendship have been a benediction which we have shared; to thank Heaven it has been our privilege to

walk with him for a space along the old familiar paths, made brighter and better for his companionship.

But if James Herndon Gordon was a great lawyer and a learned and upright judge, and he was all of that, his personal character and private life overtopped the professional heights attained as the peaks of the Kiamichi the valleys between. If the very stones of this city, and forests and prairies of this State, could give tongue, they would be vocal with his worth. He was courageous in danger, helpful in need, loyal to those he loved, and generous to all who came within the boundaries of his daily life. Especially in time of trouble did others look to him for counsel and for aid. It is not, I hope, unfitting or unbecoming for one who has himself been the beneficiary of these qualities, which were his in so marked a degree, to testify thereto in open court, and under the sanction of this solemn occasion. It has been my privilege during the long and intimate associations of many years to know the man himself. From the care-free era of our college days, through the more than four decades which have followed, it has been my good fortune to see him in all the varied relations of a full and active life—from scenes of actual personal peril, to intimate companionship in his home and at his fireside, at the counsel table, in the courtroom, in public and private gatherings. When danger threatened he looked out with steady eyes from an unruffled soul; calm, serene, and unafraid; and always his hand, his heart, his purse, were at the command of those he loved. As David said on the death of Abner, "Know ye not that there is a prince and a great man fallen this day in Israel?"

All who hear me today, all who knew him in life, are oppressed with a sense of personal loss—to him who speaks it is a loss irreparable. Many times during the past six months it has been impossible for me to comprehend that my bereavement is an accomplished fact. At such times my heart has re-echoed those pathetic lines from "In Memoriam":

"If you should bring me this report,
That thou had touched the land today
And I went down unto the quay
And found thee lying in the port;

And standing muffled round with woe,
Should see the passengers in rank
Come stepping lightly down the plank,
And beckoning unto those they know;

And if along with these should come
The man I held as half divine,
Should strike a sudden hand in mine,
And ask a thousand things of home;

And I should tell him all my pain,
And how my life had drooped of late,
And he should sorrow o'er my state
And marvel what possess'd my brain;

And I perceived no touch of change,
No hint of death in all his frame,
But found him in all the same,
I should not feel it to be strange."

But though the mortal remains of our loved friend and companion now lie in yonder cemetery, he yet liveth. Whatsoever any other may think, as for my single self it is impossible to believe that the soul which inspired and fashioned his earthly life can ever die. If it were otherwise, the observances of this hour are futile, and do but mock us.

His whole life and character proclaim the truth of that sublime faith so eloquently expressed in the words of Victor Hugo:

"When I go down to the grave I can say like many others: I have finished my day's work—but I cannot say: I have finished my life. My day's work will begin again next morning. The tomb is not a blind alley; it is a thoroughfare. It closes on the twilight; it opens on the dawn."

HOW THE CHEROKEES ACQUIRED AND DISPOSED OF THE OUTLET

By Berlin B. Chapman

Part Two

Indians And Cattle Come To The Outlet

Part One of this study was devoted to the acquisition of the Outlet by the Cherokees, and to the events culminating in the Cherokee treaty of 1866. Part Two of the study continues the story to 1889, during which period Indian tribes were settled on the eastern end of the Outlet, and cattlemen came into possession of the remainder of the lands.

Treaties concluded with the Cheyennes and Arapahoes and with the Comanches and Kiowas during the autumn preceding the execution of the Cherokee treaty of 1866 indicated contemplation on the part of the government to settle plains Indians on lands in the Cherokee Outlet. By a treaty concluded in 1867 the portion of the Outlet between the Arkansas and the Cimarron was included in a district of country set apart for the absolute and undisturbed use and occupation of the Cheyennes and Arapahoes, and for such other friendly tribes or individual Indians, as from time to time, the Cheyennes and Arapahoes might be willing, with the consent of the United States, to admit among them. In 1869 the Cherokees protested against the settlement of other Indians on Cherokee lands west of the ninety six degrees without their being consulted in regard to the price of the lands as provided in their treaty of 1866.[51]

In June, 1872, the Cherokee lands between the ninety-sixth meridian and the Arkansas River, with the approval and assent of the Cherokee nation and by an act of Congress, were set apart

[51] Memorial of Lewis Downing, Prin. Chief of Cherokee nation, to the Sen. of the United States, March 22, 1869, *S. Misc. Docs.*, 41 Cong. 1 sess., (1399), no. 16.

for and confirmed to the Osages as their reservation, with the provision that the Kaws should be permitted to settle within the limits of the reservation. By an unratified agreement concluded in October, about one third of the lands in the Outlet west of the Cimarron were included in a reservation set apart for the Arapahoes, as long as they should occupy and use the same. In a like agreement made in November, 1873, all the Cherokee lands west of the Cimarron were included in a district of country set apart for the absolute use and undisturbed occupation of the Arapahoes, and as the future home for them. In an unratified agreement made at the same time, the Cherokee lands situated between the Arkansas and the Salt fork of the Arkansas on the one side, and the Cimarron on the other side, were included in a tract of country set apart for the Cheyennes in the same manner. The unratified agreements provided for the extinguishment of all the right, title, and interest of the Cheyennes and Arapahoes in and to the reservation of 1867.

Thus within seven years after the execution of the Cherokee treaty of 1866 all the Cherokee lands west of ninety-six degrees had been marked off into districts for the permanent settlement of Indians. In the meantime the Osages and Kaws had proceeded to occupy the tract of land set apart for them and were in possession of the same. The Cheyennes and Arapahoes never settled on Cherokee lands west of the Arkansas and the marking off of districts there for them was a matter of paper only. So far as they were concerned, the Cherokees retained the right of possession and jurisdiction over the lands in the Outlet west of that river. The Cherokees, like the Seminoles and Creeks, were separated from their western lands by a reservation occupied by other Indians and buttressed against the western side of their home reservation, reduced as it was by the treaty of 1866. During the later seventies and early eighties four reservations, containing more than a half million acres in the Outlet, just west of the Arkansas, were

laid off for the Pawnees, Otoes and Missourias, Poncas, and Nez Perces.

In consideration of the advantages and benefits conferred by the treaty of 1867, the Cheyennes and Arapahoes agreed to relinquish all right to occupy permanently the territory outside of their reservation as defined in the treaty. This relinquishment was apparently of value to the United States. And the Cherokees might well look to the United States, acting as their agent in the disposal of western lands, for payment to them of the sums properly to be paid on account of the lands in the Outlet set apart for the Cheyennes and Arapahoes. In February, 1872, Commissioner Walker did not hesitate to say that the United States was responsible for the payment.[52] At that time the Cheyennes and Arapahoes, who had been the first Indians to acquire lands in the Outlet after the Cherokee treaty of 1866, and who had been assigned over one half the Cherokee lands west of ninety-six degrees, were entirely destitute, dependent upon the government in the main for subsistence, and had no tribal fund or possible means out of which payment could be made for Cherokee lands. The price of the lands had not been determined as provided in the Cherokee treaty of 1866. Commissioner Walker recommended that Congress be asked to pass an act authorizing the President, upon the expression of assent by the council of the Cherokee nation, to proceed to fix the price of all the Cherokee lands west of the Arkansas.[53] He recommended that the portion included in the Cheyenne and Arapahoe reservation of 1867 be separately appraised. The Indian appropriation act of May 29 authorized the President and the Secre-

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[52] Walker to Sec. Int., Feb. 16, 1872, *H. Ex. Docs.* 47 Cong. 2 sess., xix (2108), no. 54, pp. 9-10.

[53] In his annual report in September, 1871, John B. Jones, agent for the Cherkees, recommended that the whole of the Cherokee lands west of the ninety-sixth meridian be valued by the President at rates which should not average less than fifty cents per acre. He recommended that the appraisement be made forthwith, and the amount due the Cherokees be placed to their credit. With little regard for the Cherokee treaty of 1866, he added that the government could then settle Indians on these lands at its own option as to time, price etc. *Indian Affairs*, 1871, p. 567.

tary of the Interior to make an appraisement of the Cherokee lands lying west of the land of the Osage Indians and south of Kansas.[54] Curiously enough no provision was made for the expenses of the appraisement and nothing was done toward making it for four years.

A clause was inserted in the sundry civil appropriation act[55] of July 31, 1876, providing five thousand dollars to pay the expenses of a commission to be appointed by the Secretary of the Interior to appraise the lands in accordance with the act of May 29, 1872. Secretary Chandler appointed a commission January 30, 1877, the members being Thomas P. Kennard of Lincoln, Nebraska, Enoch (Ebenezer) H. Topping of Louisburg, Kansas, and Thomas E. Smith of Paola, Kansas. Instructions,[56] approved by the Department of the Interior in February and issued to the Commission on March 3, stated that owing to the limited appropriation for expenses of the appraisal of so large a tract of country, it would be impracticable for them to make a personal inspection of every section or even of every township. The Commission was instructed that it might be desirable for them to examine and appraise, by townships, all the Cherokee lands lying between the Indian Meridian and the Arkansas, and, perhaps some few townships west of the said meridian; but it was suggested that much, if not all of that country west of the Abilene cattle-trail or west of the present city of Enid, might be cursorily examined, and appraised in larger areas at one price per acre. In determining the valuation per acre of the lands, the Commission was instructed to take into consideration the fact that the lands were for Indian occupancy and settlement only, and, consequently, were of less value than lands open to white settlement.

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[54] Act of May 29, 1872, 17 *Statutes*, 190. The act referred to the lands as *ceded* to the United States by the Cherokee Indians under the treaty of 1866 for the settlement of friendly Indians. *Ceded* was used in the same sense in an act of March 3, 1885, 23 *Statutes*, 384.

[55] 19 *Statutes*, 120.

[56] The instructions, dated March 3, 1877, are in *S. Misc. Docs.*, 45 Cong. 2 sess., ii (1786), no. 69, pp. 2-3.

In accordance with instructions the Commission met at Lawrence, Kansas, on March 28, and on April 13 they began the work of inspection in the northeast corner of the tract, near where Chilocco now is. They were somewhat delayed by the late arrival of a military escort and by frequent rains and high water; but by the last of June they had inspected the lands east of the Abilene cattle-trail. They then adjourned until September because of the excessive heat and drought. In a report[57] to the Commissioner of Indian Affairs on August 22, they described the various parts of the country inspected. They reported that the country was healthful, and that stock-raising could be carried on successfully in any part of the country inspected. It was the opinion of the Commission that since the lands were for Indian occupancy and settlement only, they were worth about one half as much as they would be if they were open to settlement by white people. According to their report the appraisal, as far as made, was in conformity with this opinion.

On July 25 Kennard had resigned his office as a member of the Commission and on September 8 William N. Wilkerson of Cass County, Missouri, was appointed to fill the vacancy. The Commission as thus constituted met at Wichita on September 17 to renew their labors in the field. In inspecting the Cherokee lands west of the Abilene cattle-trail they selected a route which would, to the best of their judgment, give them the most general knowledge of the lands as a whole. The route selected was expected to be traversed within six weeks. It was in the form of a rectangle, and led west from the Abilene cattle-trail through the middle of the northern half of the lands of the Outlet to near the head of Buffalo Creek; thence south through Camp Supply and up Wolf Creek to near the middle of the southern half of the lands of the Outlet; thence east to the said cattle-trail. In general the route was followed. The journey through the southern half of

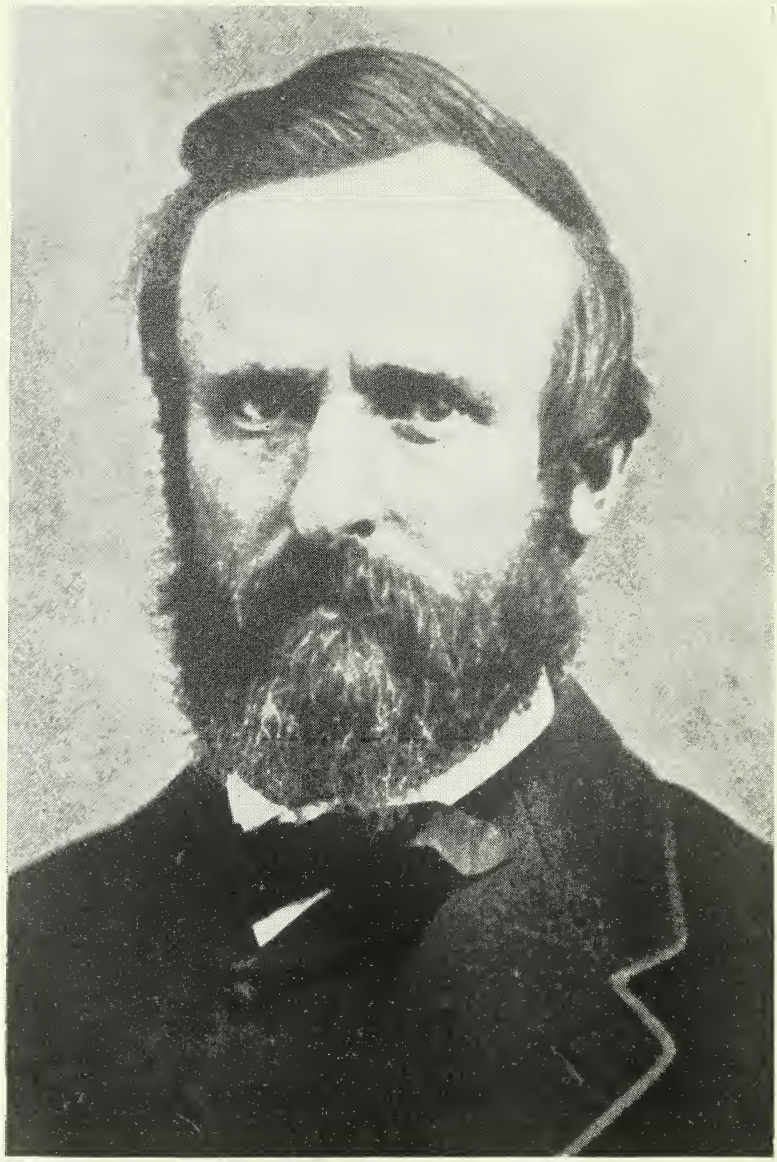
[57] The report, under date of Aug. 22, 1877, is in *Indian Affairs*, 1878, p. 162-163.

the lands ended November 4 at the Abilene cattle-trail, near where Enid now is. Excursions to the right and left were not so numerous as contemplated, but the Commission considered their opportunities for inspecting the lands sufficient to enable them to determine a fair average valuation. On December 12 they made a report to the Commissioner of Indian Affairs, transmitting with it a detailed statement[58] of the prices they had fixed upon the lands west of the Arkansas. They adhered to the principle of one half evaluation set forth in their report of August 22. The average appraised valuation of the Cherokee lands west of the Arkansas, or of the tract of 6, 574, 576. 05 acres were 41.25 cents an acre. The total value was stated as $2, 711, 923. 40¾. As a whole the Commission found the country west of the Abilene cattle-trail to be valuable chiefly for stock-raising. Some portions of the country they believed were adapted to wheat and other profitable crops.

The Cherokees objected to the one half valuation adopted by the Commission as being both unreasonable and unjust, and they were not satisfied with the appraisement made thereon. Nor did Carl Schurz, Secretary of the Interior, disregard their objections. In a letter[59] to President Hayes on June 21, 1879, he pointed out that the average valuation of the Pawnee reservation as determined by the Commission was fifty-nine cents per acre. And since he regarded the lands of the Pawnees as valauable as those bought in 1873 by the Osages at seventy cents an acre, he recommended that the Pawnees should pay seventy cents an acre for the portion of their lands in the Outlet. Deducting this portion of the Pawnee reservation from the entire tract, the remainder of the lands had been evaluated at 40.47 cents an acre. Schurz recommended that the price be raised to 47.49 cents an acre. And two days later,

[58] The report, under date of December 12, 1877, and the statement are in the appendix of *S. Reports*, 49 Cong. 1 sess., ix (2363), no. 1278, pt. 2, pp. 158-167. The statement gives the number of each township, its range, area, value per acre, and its total value.

[59] *H. Ex. Docs.* 47 Cong. 1 sess., xx (2028), no. 89, p. 30. The Cherokees apparently took no part in the appraisement of their lands. If the law authorizing the appraisement to some extent conflicted with article 16 of the Cherokee treaty of 1866, to that extent it superseded the article.



PRESIDENT R. B. HAYES

June 23, 1879, President Hayes by an executive order[60] fixed the price of the lands as recommended by the Secretary of the Interior. Thus the Cherokee lands west of the Arkansas were appraised in accordance with acts of Congress, enacted after the execution of the Cherokee treaty of 1866, but not appraised in accordance with the provisions of that treaty.

It has been observed that the government moved slowly in appraising the Cherokee lands west of the Arkansas; it moved just as slowly in purchasing them. During the decade after the President and Secretary of the Interior were authorized in 1872 to appraise the lands, the Cherokees were willing, though not anxious to sell them to the government for the settlement of Indians thereon; there seems to have been no instance of a direct offer to sell them for white settlement. In 1873 the Cherokee National Council instructed its delegation at Washington[61] to urge upon the government prompt payment to the Cherokee nation for the lands, under the provisions of the Cherokee treaty of 1866 and the act of May 29, 1872. The next year the delegation was instructed to make necessary arrangements with the government to have the lands appraised at a fair valuation under the provisions of the said act, or to have them disposed of in any other proper manner. The provision was attached that the lands should be applied alone to the settlement of friendly Indians thereon, as stipulated for by the Cherokee treaty of 1866. In 1875 the delegation was instructed to make a fair and early settlement with the government by negotiation or otherwise, in reference to the lands, and to dispose of the same to the best pecuniary advantage of the Cherokee nation and people in any proper manner.

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[60] The executive order is in *Ibid.*, p. 31. The lands valued at 47.49 cents an acre were estimated to have a total value of $3,013,037.49.

[61] See the compilation of clauses from the instructions of the Cherokee Council to its various delegations at Washington, *H. Reports*, 51 Cong. 2 sess., iv (2888), no. 3768, pp. 22-25. The clauses relate to the Outlet and are for the years 1873-1886.

In December, 1876, the delegation was given similar instructions regarding the lands[62] west of the Arkansas not disposed of. The next year they were instructed to urge upon the government an early and fair settlement for all Cherokee lands lying west of the ninety-sixth meridian and to dispose of all such lands to the best pecuniary advantage to the Cherokee nation. In 1878 they were instructed to bring to a satisfactory settlement the business pending between the government and the Cherokee nation in the Indian Territory west of the Arkansas, according to the Cherokee treaty of 1866 and existing acts of Congress in relation thereto. In so doing they were instructed to demand a fair price for "said lands," and not less than the average price formerly fixed upon lands in the Indian Territory. In 1879 they were instructed to prosecute to a final and successful termination before the government the unsettled business of the Cherokee Nation in regard to the Cherokee lands lying west of the Arkansas and referred to in the Cherokee treaty of 1866. It was provided that in any arrangement made, the said lands should be reserved alone for the settlement of friendly Indians as provided by that treaty. In 1880 the delegation was instructed to prosecute to a speedy and final termination all the unsettled business with the United States relative to Cherokee lands west of the Arkansas, "and to secure without further delay the remainder of the price still due for these lands according to the estimate submitted."

Before the close of 1881 the delegation was authorized and instructed to prosecute to a final settlement with the United States all the unsettled business of the Cherokee nation with the United States, and particularly all questions relating to lands of the Cherokees lying west of the Arkansas, and to secure without further delay the remainder of the price still due for the lands. They were authorized and instructed to obtain, if practicable, the salines or

[62]An act of Congress approved April 10, 1976, set apart for the use and occupation of the Pawnee tribe a reservation which was mainly in the Cherokee lands west of the Arkansas; 19 *Stats.* 28.

salt plains, and deposits on the lands, so that they should be fully restored as the property and under the jurisdiction of the Cherokee nation, and would secure to the nation a revenue therefrom. They were further instructed to secure payment of as large an amount as could possibly be obtained of the price due from said lands, and the restoration to the full possession and authority of the Cherokee nation of such of these lands as the United States would not pay for promptly.

In a letter[63] to the Secretary of the Interior, January 11, 1882, the delegation proposed to accept on behalf of the Cherokee nation the price of the lands as appraised at 47.49 cents an acre. They asked for an estimate of the principal and interest due the Cherokee nation as payment for the lands. They called attention to the fact that the Cherokees were pressed in 1886 for the cession of the lands for the reason that they were immediately needed for the occupancy of other Indian tribes. Reference was made by the delegation to the proposed settlement of the Kiowas and Comanches, and the Cheyennes and Arapahoes on Cherokee lands west of the Arkansas, and with a peculiar construction of the treaty of 1866 they added: "Every consideration of law and equity required that we should have been paid for the land ceded long ago. Had our treaty been complied with, we should have been paid fifteen years ago." They asked that the government, if unable to pay for all the lands at that time, should pay principal and interest for the portion wanted and restore the remainder of the lands to the Cherokee nation as they were before the treaty of 1886.

In a letter of February 17 Commissioner Price pointed out that the proposed settlement of the Kiowas and Comanches, and

[63] The letter is in *Cong. Record*, 51 Cong. 1 sess., p. 1515. The delegates were Daniel H. Ross and R. W. Wolfe.

The action of the government in carving out small reservations for Indians in the eastern part of the Outlet at the proposed price of 47.49 cents an acre appeared to the Cherokees no less unfair than that of picking plums from the pudding. The delegates observed that it was neither the purpose of the act of May 29, 1872, nor would it be in accordance with either law or equity, to pick out the most valuable tracts of land, and take them at the price fixed for the whole.

the Cheyennes and Arapahoes in the Outlet had not affected the Cherokee title to the lands and he concluded that the Cherokees had no claim under existing law or treaty either legal or equitable, to payment for their lands west of the Arkansas, other than such portions thereof as had been sold to and were occupied by, friendly Indians. He reviewed the payments[64] made to the Cherokees for lands west of the Arkansas and stated that they had been paid $348,389.46 or $34,595.70 in excess of the amount due them for lands thus appropriated under the provisions of article sixteen of the Cherokee treaty of 1866. Secretary Kirkwood agreed with Price that so far as lands in the Outlet, for the Kiowas and Comanches, and for the Cheyennes and Arapahoes were concerned, the Cherokees were not entitled to compensation under the terms of the treaty of 1866.[65]

In the letter of February 17 Commissioner Price valued the Cherokee lands in the Pawnee reservation at seventy cents an acre and those in the Ponca, Nez Perces and Otoe, and Missouri reservations at 47.49 cents an acre. The Cherokee National Council was dissatisfied with this evaluation and before the close of the year it instructed and empowered the delegation at Washington to agree to and receive for the lands in these reservations, a fair and equitable price, and not less than one dollar and a quarter an acre. Upon payment of the sum agreed upon by the delegation and the United States, to the treasurer of the Cherokee nation, the said delegation was authorized to execute a deed of conveyance or relinquishment of the lands in the said reservations of the United

[64] Price to Sec. Int., Feb. 17, 1882, *H. Ex. Docs.*, 47 Cong. 2 sess., xix (2108), no. 54, pp. 35-39. See also the itemized statement in same to same, Dec. 30, 1884, *S. Ex. Docs.*, 48 Cong. 2 sess., i (2261), no. 19.

By an act of June 16, 1880, the sum of $300.000 was appropriated, to be paid into the treasury of the Cherokee nation, out of the funds due said nation for its lands west of the Arkansas. 21 *Statutes*, 248; Letter from Cherokee delegation to Richard Coke, April 8, 1880, *S. Misc. Docs.*, 46 Cong. 2 sess., ii(1891), no. 77. In accordance with an appropriation act of March 3, 1881, (21 *Statutes*, 422) the Cherokees were paid $48, 389.46 for lands in the Ponca reservation.

[65] Kirkwood to the President, Feb. 28, 1882, *H. Ex. Docs.* 47 Cong. 1 sess., xx(2028), no. 89, pp. 1-5.

States in trust for the benefit of the Indians occupying them. In a letter[66] to Secretary Teller January 4, 1883, the delegation set forth their instructions and stated that these reservations were small, picked tracts of valuable timbered and watered land on which Indians had been located in violation of the Cherokee treaty of 1866. They stated that the only payments made were part payments upon the whole Cherokee tract of land west of the Arkansas. The delegation stated that they were prepared to meet any fair proposition for the disposal of all the Cherokee lands west of ninety-six degrees, or for all west of ninety-eight degrees, or west of the Indian settlements, or for the location of other small tribes in the eastern portion of the lands. They called attention to the necessity of an immediate settlement for the Cherokee lands in four small reservations just west of the Arkansas. In a letter[67] to Secretary Teller January 5, they stated that the said lands, at one dollar and a quarter an acre, were worth $689,665.55 or $341,276.09 in excess of the payments made by the United States to the Cherokee nation in 1888 and in 1881. Their instructions do not seem to justify their statement that they were fully authorized by the Legislature of the Cherokee nation to dispose of the Cherokee lands west of ninety-six degrees.

It was the opinion of Secretary Teller that it would be to the interest of both the Cherokee nation and the United States, and would settle many questions growing out of this matter, which had been and were at that time very annoying, if an appropriation were made by Congress in a sum sufficient to pay the Cherokee nation for the whole body of land in question, at the price fixed by President Hayes in 1879, less the sums already appropriated and applied in payment for a part of said lands.[68] The balance due the Cherokees he estimated at $2,825,657.85. On

[66] The letter is in *H. Ex. Docs.*, 47 Cong. 2 sess., xix(2108), no. 54, pp. 3-4. The delegates were R. M. Wolfe and Robert B. Ross. With them was William A. Philips, a special agent.

[67] Letter of Cherokee delegation, Jan. 5, 1883, *ibid.*, p. 4.

[68] Teller to the President, Jan. 18, 1883, *ibid.*, pp. 1-3.

January 30 the Chairman of the Senate Committee on Indian Affairs submitted to Teller for any information or suggestion he might wish to communicate, a proposed amendment to the sundry civil appropriation bill, appropriating the sum of $300,000 to be paid to the Cherokee nation "out of funds due under appraisement for Cherokee lands west of the Arkansas River." In a reply the next day Teller said that if his recommendation of January 18 were not adopted, then, in his opinion the appropriation proposed by the amendment was not an unreasonable one, as the sums already paid to the Cherokee nation, with the proposed appropriation added, were not believed to be in excess of the value of the lands upon which friendly Indians had already been located.[69] A month later Senator Dawes explained that the Cherokees had offered to the United States that if it would pay them $300,000 on account of the whole of the lands west of the Arkansas, they would make a deed of so much of the lands as were occupied by the Pawnees, Poncas, Nez Perces, Otoes and Missourias, and Osages.[70] By an amendment to the sundry civil appropriation act, approved on March 3, the said sum was appropriated, to be paid into the treasury of the Cherokee nation "out of the funds due under appraisement for Cherokee lands west of the Arkansas River," provided that the Cherokee nation, through its proper authorities, should execute conveyances, satisfactory to the Secretary of the Interior, to the United States in trust only for the benefit of the Pawnees, Poncas, Nez Perces, Otoes and Missourias, and Osages then occupying "said tract, as they respectively occupy the same before the payment of said sum of money."[71]

One might conclude from a reading of the amendment that the Cherokees had conceded to the sale of all their lands west of the Arkansas at the appraised value fixed by President Hayes in 1879, and that their acceptance of the sum appropriated was evi-

[69] Teller to Henry L. Dawes, Jan. 31, 1883, *S. Reports*, 49 Cong. 1 sess., viii(2362), no. 1278, pt. 1, Appendix p. 274.

[70] *Cong. Record*, 47 Cong. 2 sess., (March 1, 1883), p. 3480.

[71] Act of March 3, 1883, 22 *Statutes*, 624.

dence of the concession. On January 3, 1885, Secretary Teller transmitted to the Senate a letter by Commissioner Price stating that the Office of Indian Affairs held that the appropriation was made on account of all the lands of the Cherokee nation lying west of the Arkansas River.[72] The Cherokees, however, claimed[73] that they accepted the appropriation as an additional payment upon lands already sold to the Indians named in the amendment, and not as a payment on their unsold and unoccupied lands. Secretary Teller's letter of January 31, 1883, is evidence that a few weeks before the passage of the amendment he construed its language in the same way that the Cherokees claimed that they had construed it. Judge Isaac C. Parker of the United States district court for the western district of Arkansas in 1886 agreed that the payment was upon the lands for which the Cherokees claimed that it was.[74]

On July 14, 1883, the Cherokees by deed conveyed the lands in the reservations occupied by the Indians named in the amendment, and the Kaws, to the United States in trust, and on receiving the deeds the $300,000 was paid to the Cherokees.[75] It is worthy of note that all the reservations were conveyed by the Cherokees under the same act of Congress, by the same authority, upon the same day, and with the same conditions. The deeds do not specify that the $300,000 payment named in the amendment was an increased payment on the unoccupied lands; nor do they show that 47.49 cents an acre was the payment on the lands. Except

[72] Price to Sec. Int., Dec. 30, 1884, *S. Ex. Docs.*, loc. cit., no. 19. Price stated that the appropriation of $300,000 by the act of June 16, 1880 was on account of the same lands.

[73] This claim seems to rest largely upon action taken by the National Council without information which it could and should have first acquired; yet it relied upon the representation of its own delegates. See the report of the Senate Committee of the Cherokee National Council, Dec. 21, 1885, O I A., *Misc. Documents*, pp. 19651-54; and the letter by Prin. Chief J. B. Mayes to W. G. Sayre, Dec. 20, 1889, *ibid.*, pp. 20996-98.

[74] In Re Wolf, 27 Fed. 614.

[75] Report of Sec. Int., 1883, *H. Ex. Docs.*, 48 Cong. 1 sess., x(2190), p. xxiii-xxiv. The deeds are recorded in the Indian Office, *Indian Deeds*, vi, 470-486.

for the reservations occupied by the Osages and Kaws, the lands conveyed by the Cherokees to the United States in trust were in the eastern part of the Cheyenne and Arapahoe reservation of 1867. Henceforth it would have been impossible to locate the Cheyennes and Arapahoes upon the reservation except by further negotiations, if it were held that they had not forfeited their rights to the same by refusing to locate thereon, and that they had not accepted lands south of the Outlet in lieu thereof. Nor could the Cheyenne agreement of 1873 be confirmed unless modified with the consent of the tribes located on the lands designated in the agreement.

On June 13, 1883 Principal Chief D. W. Bushyhead and the Cherokee delegates in Washington wrote to Secretary Teller as follows: "In executing deeds and bringing to a termination the various questions arising from the location of the Pawnees, Poncas, Nez Perces, Otoes, and Missourias and Osages, none of whom were located according to the terms and mode prescribed by the Treaty of 1886, we desire to file with you our notification, as representing the Cherokee Nation, that no further locations or selected tracts can be made until appraised in accordance with the Treaty or the actual value of the land at the time of selecting is agreed upon. We have been offered one dollar an acre for the entire tract for grazing purposes, and shall expect to obtain whatever it is really worth before disposing of it. The Cherokee Nation will not execute further conveyances in whole or in part, save for a fair consideration."[76]

During the next half dozen years the attention of the Cherokees was turned toward the defense of their title to the unsettled lands in the Outlet and to securing a revenue therefrom, rather than to a consideration of the sale of the lands. By an act of March 3, 1885, the President was authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of

[76] The letter is in O I A, L. 28213-1885, Special Case 48. The delegates were R. B. Ross and R. M. Wolfe.

opening to settlement under the homestead laws the unassigned lands in the Indian Territory "ceded" by these tribes in the treaties of 1866. Five thousand dollars was appropriated for the purpose and the action of the President should be reported to Congress.[77] But the tribes were not then inclined to negotiate with the government for the disposition of their lands. On June 15 "an Indian international convention" attended by delegates of the Five Civilized Tribes assembled at Eufaula for the purpose of considering the matter. On the following day they resolved, with one dissenting voice, that the negotiations authorized by the act of Congress were "incompatible with the rights, interests and future security of the people of Indian Territory, and should not be entered into; and to secure the integrity of the Territory as Indian country, and the interest of the several tribes therein, we hereby pledge ourselves and our respective governments."[78] The action of the convention appears to have been approved by the legislature of each tribe.

For more than a decade after the execution of the Cherokee treaty of 1866 the Cherokees derived little if any benefit from lands in the Outlet west of the Arkansas. In 1879 they collected more than a thousand dollars from cattlemen pasturing herds on the lands. In 1882 they collected for pasturage there more than forty-one thousand dollars. And on October 1 of the following year a lease [79] went into effect securing to the Cherokee Strip Live Stock Association the unoccupied Cherokee lands west of the Arkansas, excluding certain salines, for a term of five years, in consideration of the sum of one hundred thousand dollars a year, payable semi-annually in advance. In September, 1884, it was held to be no offense within the meaning of Section 2116 of the Revised Statutes, to negotiate, without authority from the govern-

[77] 23 *Statutes*, 384.

[78] The resolution together with instructions to the Cherokee delegation is in *Indian Affairs*, 1886, pp. 158-159.

[79] The lease is in *S. Ex. Docs., loc. cit.*, no. 17, pp. 152-153; also in *H. Reports*, 49 Cong. 1 sess., vi(2440) no. 1684, pp. 8-10.

ment, a lease of lands for grazing purposes, from an Indian tribe to a corporation.[80] Opportunity to rent or lease the lands to cattlemen made the Cherokees reluctant to sell them to the government for any price which the government was willing to pay.

Toward the close of his period in office Secretary Teller took the opportunity to write a letter, with particular reference to the Cherokees, in which he explained that the right to pasture cattle on Indian lands with the consent of the Indians had never been doubted until very recently.[81] He noted that the Department of the Interior, the courts[82] and a Senate committee[83] had recognized the right of Indians to receive compensation for the pasturing of stock on reservation lands. He said: "The privilege to graze cattle is but a license and not a lease.[84] It conveys no interest in the lands occupied. It is true that the Indians did attempt to make leases with a fixed period during which the parties would, if the power existed, have all the rights of lessees, but doubting the power to make, as well as the policy of such leasing, I declined to approve the same as a lease, but did treat them as amounting to a license to be revoked by the Indians at will. All applications to the Department to lease lands have been uniformly denied for want of authority in the Department, but such refusal did in no wise interfere with the rights of the Indians to make such use of the lands as was consistent with the character of their title. The per-

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80 United States *v.* Hunter, 21 Fed. 615.

81 Teller to President pro tempore of Senate, Jan. 3, 1885, *S. Ex. Docs., loc. cit.*, no. 17, pp. 1-9. The next year when Pitts Elllis asked the Interior Department for a permit to graze cattle on the Outlet, Commissioner Atkins advised him that the lands were within the possession and jurisdiction of the Cherokee nation, until sold and occupied by other friendly Indian tribes, and that his course would be to apply to the Cherokee authorities. Atkins to Ellis, Sept. 29, 1886, O I A., *L. Letter Book* 152, p. 298.

82 Attention was called to United States *v.* George Cook, 19 Wallace 591. Teller thought that the principles enunciated in the case removed any doubt as to the right of the Indians generally to dispose of grass growing on their lands for grazing or other purposes.

83 Report of Sen. Com. on Ind. Aff., June 22, 1874, *S. Ex. Docs.*, 45 Cong. 2 sess., ii(1781), no. 74, p. 2.

84 "The legal understanding of a lease for years," said the Supreme Court, "is a contract for the possession and profits of land, for a determinate period, with the recompense of rent." United States *v.* Gratiot, 14 peters 538 (1840).

mits now complained of as having been given by the Cherokees, were given without even notice to the Department, and neither the Cherokee Nation nor the parties holding such permits have ever asked the Department to approve the same. The Cherokees have a fee simple title to their lands and they do not recognize the right of the Department to interfere in the management of their affairs with reference thereto." In Teller's view, Section 2117 of the Revised Statutes recognized the rights of the Indians to dispose of the grass growing upon their lands; for if their consent were given to graze stock thereon, the statute was not violated, and the owner of the stock was not liable to the penalty imposed.[85] He was aware that the time had passed when large and valuable tracts of land fit for agriculture could be held by Indians for either hunting or grazing purposes to the exclusion of actual settlers.[86] He recommended that the portion of reservations not needed for the use of Indians be opened to white settlement, but not without proper compensation to the Indians.

In an opinion of July 21, 1885 Attorney-General A. H. Garland referred to Section 2116 of the Revised Statutes which provided among other things that no lease, or other conveyance of lands, from any Indian nation or tribe of Indians should be of any validity in law or equity, unless the same were made by treaty or convention entered into pursuant to the Constitution.[87] He noted that the provision was very general and comprehensive, and that its operation did not depend upon the nature or extent of the title to the land which a tribe or nation might hold. He stated that whatever the right or title of the Cherokees to the lands of their reservation might be, the tribe was precluded by the force and effect of the statute from leasing any part of its reser-

[85] The section reads: "Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of one dollar for each animal of such stock."

[86] See Teller's report for 1884, *H. Ex. Docs.*, 48 Cong. 2 sess., 11(2286), p. xi.

[87] 18 Opinions 235. Garland's opinion also applied to the Cheyennes and Arapahoes, to the Kiowas, Comanches, and Apaches, and to their respective reservations.

vation, without the consent of the government of the United States. He said that a lease of land for grazing purposes was as clearly within the statute as a lease for any other or for general purposes. He submitted that the power of the Department of the Interior to authorize the Cherokees to make leases of their lands for grazing purposes, or that of the President or Secretary of the Interior to approve or to make the same, if it existed at all, must rest upon some *law,* and therefore be derived from either a treaty or a statutory provision. Since he knew of no such treaty or provision in regard to the Cherokee lands west of ninety-six degrees, he concluded that neither the President nor the Secretary of the Interior had authority to make a lease, for grazing purposes, of any part of said lands; and he concluded that their approval of such a lease made by the Cherokees would not render it lawful and valid. What Garland termed the "guardian care" of the government was to the Cherokees a two-edged sword.

The prompt removal of lessees from the Cheyenne and Arapahoe reservation in accordance with President Cleveland's proclamation of July 23 caused those in the Outlet to seek a renewal of their own lease.[88] Secretary Lamar held that inasmuch as the association set up no claim or right of permanent settlement as against the Indian title, and as there was no dissatisfaction manifested by the Indians, it was not the duty of the Department of the Interior to interfere with the affairs of the Cherokee nation except in cases especially required by treaty with that nation.[89] In 1887 he directed that the association be informed that any so-called lease or other arrangement into which they or any other parties might enter with the Cherokee nation for the occupation of the Outlet

[88] When the Cherokee National Council met at Tahlequah in November, 1886, Thomas Hutton, Charles Eldred, and John F. Lyons, representatives of the Cherokee Strip Live Stock Association, came to the council for the purpose of re-leasing lands in the Cherokee Outlet. They did not secure a re-lease on the lands, although it appears that they made lavish use both of liquor and money in an effort to do so. See the "strictly confidential" letter by Agent R. L. Owen to Com. Atkins, April 29, 1887, *S. Ex. Docs.*, 50 Cong. 2 sess., iv(2613), no. 136, pp. 2-4.

[89] Report of Sec. Int., 1889, *H. Ex. Docs.*, Cong. 1 sess., 11(2378), p. 21.

with their cattle for grazing purposes or otherwise, would be subject to cancellation or discontinuance by the Department of the Interior at any time, whenever such action should be considered for the best interests of the Indians, or for any other reasons which that Department might deem sufficient, and that it would be subject to whatever legislation Congress might enact regarding that portion of the Cherokee country, as well as any general legislation that might be had affecting the occupation of Indian lands for grazing or other purposes.[90]

About July, 1888, five members of the House Committee on the Territories led by Chairman William M. Springer of Illinois, together with a half dozen other representatives, addressed a letter to the President in regard to the proposed renewal of the lease, and they appealed to him "to put a stop to the unlawful occupancy of these lands."[91] They urged him to issue a proclamation directing all persons upon the lands for the purpose of grazing cattle thereon and "all other authorized persons" to depart therefrom with their cattle, horses, and other property on or before October 1. Springer was much interested in preventing the lease from being renewed. On July 13 he wrote to the President: "Prompt action is required on the part of the Government to prevent the consummation of this illegal proceeding. If a new lease is executed, and money paid thereon, the situation will be greatly complicated, and serious consequences may result."[92] In view of the pendency in Congress of a bill to embrace the Outlet with Oklahoma and other tracts in a new Territory, and to protect fully the rights of the United States "whatever they may eventually be decided to be,"[93] Secretary Vilas on September 28, two days before the expiration of the lease, ad-

[90] Report of Sec. Int., 1887, *H. Ex. Docs.*, 50 Cong. 1 sess., x(2541), p. 31; see also Lamar to Com. Ind. Aff., Oct. 14, 1887, O I A., 4708 Ind. Div. 1888.

[91] The undated letter was received by the Interior Department July 7, 1888, and is in the Indian Office, 4708 Ind. Div. 1888.

[92] Letter of July 13, 1888, O. I. A., 3396 Ind. Div. 1888.

[93] Report of Sec. Int., 1888, *H. Ex. Docs.*, 50 Cong., 2 sess., x(2636), p. lv.

dressed a letter[94] to Principal Chief Joel Bryan Mayes[95] conveying notice similar to that given to the association the previous year. He was advised that the United States would recognize no lease or agreement for the possession, occupancy, or use of any of the lands in the Outlet as of any legal effect or validity upon the rights of the United States or as conferring any right, authority, or privilege over the lands upon any lessee.

In an able reply to Vilas October 10 Mayes explained that the Cherokees never had, and never would interfere with any rights the United States might have in the lands.[96] He stoutly insisted that under the treaty of 1866 and their patent there could be no question of the right of the Cherokees to exclusive possession and jurisdiction over the Outlet. He said that they had owned by patent, used, and occupied the country for more than a half century undisturbed, and expected to continue to use it—especially to derive a revenue from its various resources, its mineral, timber, and pasture privileges. In a mild letter of October 23 Vilas said that as yet he had had no occasion to define the line of demarcation between the rights of the United States and those of the Cherokees, and that no further action appeared necessary on the part of the Department of Interior.[97] Before the close of the year the association secured a new lease of the Outlet for five years at a rental of $200,000 a year.[98] Within a decade rentals had jumped from two thousand dollars to this amount and the Cherokees could only surmise what coming decades might bring forth.

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[94] The letter under date of Sept. 28, 1888 is in *Cong. Record*, 50 Cong. 2 sess., Appendix p. 225. On the same day Vilas instructed the Acting Commissioner of Indian Affairs to see that proper notice, by advertisement in some newspaper or otherwise, should be "brought home" to the knowledge of any and every party negotiating for a lease of the lands. O. I. A., *Int. Dept. Letter Book* 68, pp. 109-112.

[95] In 1887 Agent R. L. Owen referred to Mayes as "a highly intelligent and prosperous half-breed Cherokee." Before he became Principal Chief in that year he was chief justice of the Cherokee supreme court. There is a sketch of his life in Hodge ii, 284.

[96] Mayes to Vilas, Oct. 10, 1888, O. I. A., 4708 Ind. Div. 1888.

[97] Vilas to Mayes, Oct. 23, 1888, *Int. Dept. Letter Book*, *loc. cit.*, pp. 448-449.

[98] The negotiations preceding the lease are told in part in the letter of Owen to Com. Ind. Aff., Aug. 27, 1888, *Indian Affairs*, 1888, pp. 128-130.

Thus by 1889 the Outlet was to the Cherokees a fruitful source of income with a prospective future.[99] The association, "the greatest live stock organization in the world,"[100] seemed to be in an excellent position. The conditions under which it occupied the lands were favorable to complete possession. If it were intruded upon, the military force of the United States was called upon for protection without cost to the occupants. The farmer just across the border in Kansas, conducting in the same way a small business, was called upon every year for taxes upon his land and cattle; but no taxgatherer either on land or cattle was permitted to invade the Cherokee domain. For nearly a decade the association had occupied the region, half the time under a lease of questionable legality, which if not approved, had been permitted and not effectively opposed by the Department of the Interior. But it was held that the Department had done nothing that could be considered as an acknowledgment of the leases,[101] or the right of the cattlemen to graze the lands covered by agreements with the Cherokees. The secretaries of the Department of the Interior had grown steadily worse for lessor and lessee in the execution of their business. Teller was favorable, Lamar and Vilas were indifferent, and Noble was a conscientious objector.

The third article in this series will deal with the serious and futile effort made by the Cherokee Commission in 1889 to purchase the Cherokee title to the Outlet.

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[99] On November 28, 1888 a syndicate of ranchmen offered to pay the Cherokees $18,000,000 for their lands in the Outlet if the proper authorities of the Government would consent to the sale. This was an estimated price of three dollars an acre. The offer is in *S. Misc. Docs.*, 50 Cong. 2 sess., ii(2615), no. 80, p. 20.

[100] E. E. Dale, "The Cherokee Strip Live Stock Association." *Chron. of Oklahoma*, vol. v(March 1927), p. 71. Concerning the organization of the affairs of the association Professor Dale says: "The Outlet lands were surveyed and the boundaries of each range defined. Wide strips were left for trails across the Outlet and lands were also set aside for quarantine grounds, with the result that the total amount used for grazing was reduced to a little over five million acres. This was divided among a little more than one hundred individuals, corporations and firms, but some four or five hundred men were included in the organization while, including stockholders in the various companies, perhaps two thousand people were interested in the association. *Ibid.*, 70-71. A map showing the division of lands by the association is in *Chron. of Oklahoma*, vol. ix(Sept. 1931), facing p. 268.

[101] Belt to Attys. Dale and Wall, Feb. 5, 1892, O. I. A., *L. Letter Book* 230, p. 193.

THE BATTLE OF WICHITA VILLAGE[1]

By Captain W. S. Nye

Prior to 1858 the United States troops in Texas attempted to protect the frontier against Indian forays by purely defensive measures. That this was unsuccessful was shown in the continued raids of the Indians. The Texans, finding it apparently impossible to secure adequate protection from the Federal government, organized an expedition of state troops under Col. John Ford. The Texans defeated the Comanches in a battle on the Canadian River. Spurred to greater efforts by the success of the Texans, the army commander in Texas asked for and received permission from the war department to invade Indian Territory in an offensive expedition against the Comanches.

At the same time that the military forces at Fort Belknap were preparing to march north against the Comanches, the commander at Fort Arbuckle, unknown to the former officer, was making a treaty with them. The Comanches were camped on Rush Creek, trading and gambling with the inhabitants of the Wichita village of grass houses which was located there.

Captain Earl Van Dorn marched north from Fort Belknap on September 15, 1858, accompanied by four companies of the 2d Cavalry and one company of the 5th Infantry. He had been preceded by several days by a force of one hundred Wichita, Caddo, and Tonkawa scouts under Lawrence S. "Sul" Ross. Ross picked out a place for a temporary advanced base for the expedition on Otter Creek, near the present site of Tipton. When Van Dorn arrived, two Wichita scouts were sent to the Wichita village to locate the Comanches. These scouts returned to the camp on

[1] This engagement took place near the modern Rush Springs in what is now Grady County (formerly old Chickasaw nation).

Otter Creek on the afternoon of Sept. 29, bearing the news that the Comanches were camped adjacent to the Wichita village.

Within an hour Van Dorn and his cavalry started east to attack the Comanches. After a forced march of thirty-six hours, they attacked the Comanches at dawn of October 1. The Indians were defeated and dispersed with considerable loss. Van Dorn was wounded, Lieutenant Van Camp was killed, and several soldiers were killed and wounded. The troops then marched back to Camp Radziminski, their base at Otter Creek. This camp was moved twice, the final location being at the southern entrance of what is called the "Narrows," four miles northwest of the site of Mountain Park. Only a few heaps of stones remain today to mark the site.

The location of the battle itself has been in dispute for a number of years. Even the Indians do not agree on this. The recent discovery of two maps made in 1859 show that the fight occurred about five miles southeast of the present town of Rush Springs. This evidence, though conclusive in itself, is verified by testimony of several veterans, both Indian and white, whose depositions were taken in the Greer County (Texas Boundary) case in 1894. I obtained my information from that source, from the official reports, from numerous white accounts, including letters of Sul Ross, and from Indians whose parents were participants. Two aged Indians were interviewed who actually were present at the fight as small children. Also the widow of one of Van Dorn's command is still living at Rush Springs, or was two years ago. Another resident of Rush Springs, Mrs. J. A. Slaton, whose father was with Marcy in 1852, and who herself was born at Fort Arbuckle, states that the fight occurred on what is known by old-timers as the Huntley farm, on Rush Creek.[2]

[2]This is a summary of an address given at the annual dinner of the Oklahoma Historical Society.

RESOLUTION OF RESPECT FOR AND IN APPRECIATION OF HONORABLE CHARLES B. STUART[1]

WHEREAS, The Honorable Charles Bingley Stuart passed from this earth on the 30th day of October, 1936, and his life was so closely interwoven with the building and development of the State of Oklahoma, and so prominently connected with the courts, both State and Federal, and was regarded with such high esteem, that it is fitting that a brief sketch of his life and resolutions of respect be spread upon the records of this court.

JUDGE STUART, as he was familiarly known throughout the State, was born April 4, 1857, near the town of Boydton, in Mecklengerg County, Virginia, on the original site of Randolph-Macon College, which was afterwards removed to Ashland, Va. He died in a hospital in Oklahoma City, of which City he was a resident, and was buried in Fairlawn Cemetery. Religious services were held at the Shrine Auditorium, conducted by Rev. James Mills, Dean of the Episcopal Cathedral, and at his request Masonic services at the grave by So. McAlester Lodge No. 96, of McAlester, Okla., in which lodge he was made a Mason and in which he maintained his membership. He was also a Scottish Rite (32°) Mason and took an active part in the work—on several occasions delivered the lecture of the 32nd. degree. He was also a member of the K. C. C. H.

His grandfather, John Stuart, and grandmother, Lucy Horne, on the parternal side, were both of Scotch descent and came from England to King William County, Virginia. His grandfather and grandmother on the maternal side were Edward Toone and Mary Wilson, and came to America from Scotland. His paternal grandparents had four sons, who, in order of their birth, were: Charles Bingley, James, John William, and Ralph.

[1]In the District Court of the United States for the Eastern District of Oklahoma. To the Honorable Robert L. Williams, Judge, Presiding: and Honorable Alfred P. Murrah, Judge, presiding.

Judge Stuart's father, John William Stuart, was born and lived for many years in Virginia, attended Randolph-Macon College, and during the 1850's taught school in Virginia. His brother, Charles B. Stuart, uncle of Judge Stuart and for whom he was named, graduated from Randolph-Macon College and thereafter for several years taught chemistry in that college, and later was president of a girls' school at Ashland. After 1859, while Judge Stuart was yet a small boy, his father and his uncle, Charles B. Stuart (these brothers being devoted to each other, and for a while in partnership), moved to Mansfield, La., where his uncle, Charles B., was the second president of the Mansfield Female College, and Judge Stuart's father conducted a school for boys and young men. At Mansfield he was commissioned a first lieutenant in Company B., 1st, Battalion, Louisiana Infantry (State Guards), and enlisted March 5, 1863, in the Confederate Army at Mansfield, La. He served with distinction, and was promoted to Captain May 19, 1863. The Confederate Army records are incomplete and no further information as to his war record is attainable.

In 1872 the school for boys was closed, and in the summer of 1873 Judge Stuart's father went to Shreveport and engaged in the insurance business, and was quarantined during a Yellow Fever epidemic, and died there the same year. During the epidemic the two families, Judge Stuart's mother and her children and his uncle Charles B. Stuart's family, refugeed from the Yellow Fever district to a plantation owned by them a few miles from Mansfield, La., close to the Battlefield of Mansfield.

About 1876 or 1877, Judge Stuart's mother married David H. James, at Marshall, Texas, where they lived. Mr. James died in 1879 or 1880. Mrs. James maintained her residence there until she moved to Gainesville, Texas; later made her home for several years with a daughter, Mrs. G. R. Smith, in Richmond, Va., and in 1919 moved to Ardmore, Okla., where she died in November, 1923.

Judge Stuart's early education was supervised by his father, and at the age of 16 years he entered Randolph-Macon College, and after his graduation in that college, about 1876, he located at Mar-

shall, Texas, just across the line from Shreveport, La., where he taught school for a while. Two prominent lawyers in Oklahoma, his cousin, H. L. Stuart, of Oklahoma City, and Senator E. P. Hill, of McAlester, were among his pupils. He also studied law there in the office of Major James Turner, one of the foremost lawyers of Texas, at which place in 1876, at the age of 21, he was admitted to the bar. The examining committee reported his examination a most brilliant one. Shortly thereafter, at Marshall, he became a member of the firm of Turner, Lipscomb and Stuart, one of the leading firms of East Texas, and represented the Texas & Pacific Railway Company. In 1881, Mr. Lipscomb died, and the firm continued as Turner & Stuart. Between 1881 and 1883, for a short time, he established an office at Waco, in partnership with A. M. Harris, a Virginian, maintaining his residence at Marshall.

While engaged in the practice of law at Waco, in 1883 he received a telegram from his brother, G. W. Stuart, at Marshall, that his oldest brother, John, to whom he was most affectionately attached, was seriously ill and to come on first train. The telegram was not delivered until after his brother's death. Judge Stuart notified the Western Union Telegraph Company that if it would discharge the employee responsible for the delay, no claim for damages would be made. The company declined to discharge the employee, and Judge Stuart, against the advice of older lawyers, brought suit against the company. The case was tried to a jury and he obtained a verdict and judgment for $2500.00. The trial court set the judgment aside and sustained exceptions to the petition for the reason it did not state a cause of action, and Judge Stuart appealed. The Supreme Court of Texas reversed the trial court and remanded the action with directions to re-instate the original judgment rendered in the trial court, establishing the doctrine for the first time in Texas, contrary to the doctrine in most States, that damages could be recovered for mental suffering without accompanying physical injury. The petition in this case is a gem of definite and concise pleading. This case brought Judge Stuart his first legal prominence. (Stuart vs. Union Telegraph Co., 18 S. W. 251.)

Judge Stuart was married January 1, 1884, and in August of that year located at Gainesville, Texas, in the practice of law. Gainesville was then at the terminus of a new railroad (now the Missouri-Kansas & Texas Railway) and a very promising and flourishing young city. In the fall of that year, he made a speech at the court house for Cleveland and Hendricks, Candidates for President and Vice-President of the United States, respectively, which distinguished him, though a young man, as one of the great orators of the country.

The latter part of that year he formed a partnership with Patrick Henry Lanius, and in the Spring of 1886 this firm dissolved; and in 1887 Judge Stuart formed a partnership with Joseph W. Bailey, who came from Mississippi, where he had served as an elector for the election of Cleveland and Hendricks, and located at Gainesville in the practice of law, first in partnership with George L. Hill, father of E. P. Hill, the latter now a State Senator from Pittsburg County, Oklahoma, the son also being a member of the firm. In 1890 Bailey was elected to Congress from the 5th district of Texas, and later, while yet a young man, became United States Senator, and one of the great orators and constitutional lawyers of that body.

In 1887, some time after the formation of the partnership of Stuart & Bailey, J. L. Harris, a Mississippian, came from Coleman, Texas, to Gainesville and joined the partnership, under the firm name of Stuart, Bailey & Harris. Harris had been private secretary of Governor Lowrey, of Mississippi, and married his daughter. The latter part of the year 1888, he severed his relations with the firm of Stuart, Bailey & Harris, and on January 1, 1889, formed a partnership with W. O. Davis, who still lives at Gainesville and is in the active practice of law there, although ninety years of age. In the year of 1890 Harris moved to Dallas, Texas, and established the law firm of Harris & Knight, afterwards Harris, Etheridge and Knight, one of the great law firms of that State, and the clientele acquired by that firm was outstanding evidence of the great ability and integrity of J. L. Harris.

During the time of the partnership of Stuart & Bailey, McCans was a partner for a short time.

After Bailey was elected to Congress and Harris moved to Dallas, Judge Stuart formed a partnership at Gainesville with Yancey Lewis in the practice of law, the firm name being Stuart & Lewis.

The splendid record of these men as lawyers and statesmen cannot but be most gratifying to the friends and relatives of that brilliant coterie of young men who pioneered to Gainesville during the time Judge Stuart was there.

In the Spring of 1893 Judge Stuart was appointed by President Cleveland, Judge of the United States Court for the Indian Territory, the Indian Territory at that time having only one Judge. An Act of Congress of March 2, 1895, divided the Indian Territory into three judicial districts, Northern, Central and Southern, and provided for a judge of each district, and established the Court of Appeals for the Indian Territory, making the three Judges of the three districts, judges of the Appellate Court, and by the Act Judge Stuart became Judge of the United States Court for the Central District of the Indian Territory, and the first Chief Justice of the Court of Appeals of the old Indian Territory. He presided at the organization of the Court of Appeals, but resigned before any cases were decided by that Court. While he was on the bench, because of the conditions prevailing in the Indian Territory, many new and heretofore unsolved questions came before him for solution. Without precedent to follow, he met these questions with fortitude and determination, and rendered invaluable service to this country, by his able, just and far-sighted decisions.

No judge ever sat upon the bench with a greater legal mind. His quick and wonderful grasp of the law and the facts was surprisingly accurate. His conduct of the court was not with that military bearing of his predecessor, Judge James M. Shackelford, a noted Union General in the Civil War, but he presided with ease and tranquility, and was always eminently fair, just and courteous, winning the respect and admiration of all. His great

reasoning powers, his ability to correctly interpret the law and analyze the facts, well fitted him for the Judiciary, but he never sought political preferment. He was more of an advocate, a practitioner, a debater, a lawyer who enjoyed the brilliant contests in lawsuits with eminent lawyers carried on upon a high plane, with courtesy and respect to the court and to his opponent. He was a master diplomat before the courts and juries, winning their undivided attention and esteem.

Some time after his appointment to the United States Court for the Indian Territory, Yancey Lewis moved to McAlester, and was appointed by Judge Stuart as Special Master in Chancery for the Choctaw Coal & Railway Company; and when Judge Stuart resigned as Judge of the United States Court for the Indian Territory, in October, 1895, Yancey Lewis was appointed to succeed him. In 1897, after William McKinley became President of the United States, Judge Yancey Lewis resigned from the United State Court for the Central District of the Indian Territory, and returned to Texas to engage in the practice of law at Dallas, and while in Dallas he was appointed to serve as Special Judge in the place of one of the judges of the Court of Civil Appeals at Dallas, in a case in which all three of the judges disqualified. He was afterwards professor of law and Dean of the Law Department of the University of Texas.

Judge Stuart, upon retiring from the Federal bench, was employed as general attorney for the Choctaw, Oklahoma and Gulf Railroad Company, with offices at McAlester, and shortly thereafter formed a partnership with James H. Gordon and W. E. Hailey for the general practice of law, the firm name being Stuart, Gordon & Hailey. Mr. Gordon soon retired from the firm, and the firm continued as Stuart & Gordon until about 1909, when Fielding Lewis became the junior member of the firm. Lewis lived only a short time thereafter. About the year 1911, William C. Liedtke, attorney of Eufaula, Oklahoma, became a junior member of the firm.

During the year of 1911, Judge Stuart retired from the firm and moved to Oklahoma City and formed a partnership with A. C. Cruce, and in April of that year, A. C. Cruce's son, M. W. Cruce, was made a member of the firm, and in the fall of that year the firm was consolidated with the firm of Gilbert & Bond, composed of W. O. Gilbert and E. H. Bond, under the name of Stuart, Cruce & Gilbert, with E. H. Bond and M. K. Cruce associated. This firm continued until 1913, at which time it was dissolved, Mr. Gilbert going to Los Angeles, where he became a famous lawyer of that City, and Mr. Bond moved to Duncan. The firm then became Stuart, Cruce & Cruce, M. K. Cruce, son of A. C. Cruce, being associated with the firm. A. C. Cruce died in 1919, and J. F. Sharp, who had been an able member of the Supreme Court of the State of Oklahoma, joined the firm, under the firm name of Stuart, Sharp & Cruce. About 1925, or 1927, Judge Sharp withdrew from the firm, and Ben Franklin became a member, under the firm name of Stuart, Cruce and Franklin. In 1927, Judge Stuart retired from the firm establishing a partnership and an office in Tulsa, with the designation of Stuart, Coakley & Doerner, and devoted the principal part of his attention to the Tulsa office, although maintaining an office at Oklahoma City until the date of his death.

Judge Stuart was the second president of the Indian Territory Bar Association, and first president of the Oklahoma State Bar Association, and in his latter years was affectionately referred to by lawyers as the "Grand Old Man" of the Oklahoma Bar.

As to Judge Stuart's associates at McAlester, Fielding Lewis was a direct descendant of Betty Lewis, nee Washington, a sister of President George Washington. Judge Liedtke was a member of the Constitutional Convention, was appointed Superior Judge of Pittsburg County by Governor Lee Cruce, which office he resigned and became a member of the firm of Andrews and Liedtke, at McAlester, retiring from this firm upon being appointed attorney for the Gypsey Oil Company, and located at Tulsa. James H. Gordon, who was associated with Judge Stuart from 1895 to

1911, upon the removal of Judge Stuart from McAlester, to Oklahoma City, continued the practice of law at McAlester, except that he served a short term as Justice of the Supreme Court of the State of Oklahoma. Strange to say, Judge Gordon and his old partner at law, Judge Stuart, died within a few days of each other.

When Judge Stuart retired from the Federal bench, in addition to being attorney for the Choctaw, Oklahoma & Gulf Railroad Company, now a part of the Rock Island system, he was also attorney for several large coal companies operating in the McAlester field, viz., The Rock Island Coal Company, Osage Coal Company, Degnon-McConnell Coal Company, and Hailey-Ola Coal Company. He was the personal attorney for Chas. M. Page, of Tulsa, Okla., the philanthropist, during his lifetime, and also the attorney for the executors of his estate, and conducted very important and extensive litigation in this connection, and also in regard to the Sand Springs Home for Crippled Children, founded by Mr. Page. During his residence in Oklahoma he also engaged in the general practice of law, and was attorney for defendants in many noted murder cases in the State, as well as being engaged, on one side or the other, of many of the most important civil cases in the State, in quite a few of which decisions were rendered without precedent to guide the court, establishing landmarks for the guidance of courts and lawyers.

His ability, both as a criminal and civil lawyer, was not excelled. Many lawyers may have been strong in one branch of the law, but Judge Stuart was exceptionally strong in all of its branches.

His matchless eloquence, his convincing reasoning and logic, both to the courts and juries, his fine physique, commanding appearance, keen, sparkling, blue eyes, full, resonant voice, and forceful, respectful manner, were the admiration not only of the bar but of all who heard him.

In addition to being a man most learned in the law, he had a rich mind in literary attainments. He could repeat line after

line of both ancient and modern classics, and greatly delighted in engaging in discussions pertaining to the classics.

An evening spent with him along this line was a great treat to one whose mind was of literary train.

His diversion was hunting and fishing. He thoroughly enjoyed taking rod and gun, with a congenial crowd, and traversing the hills and mountains and spending a few weeks communing with Nature's temples and primeval forests, along the clear crystal mountain streams. Whether angling the rod from bank, or wading deep into the clear water of the mountain stream, dashing its foaming waters over rocks and precipices in a continuous rhythm of weird music; or following the trail of the wild deer through woods and heath to the entrancing strains of the music of the untiring shifting winds, as the archer's bow, across the resonant, stately pines; or sitting by the camp fire, whiffing the delicious aroma of the fruits of these sports broiling over the bright blazing embers of the pine knots, in animated discussion with his companions on the subjects of religion, history, and the classics, or in jovial flights of wit, and oratory; this son of Nature soared away from the battles of life, sometimes sad, sometimes glad, to those resplendent joys that come to him only who lives and communes with the marvelous creations of Nature and of Nature's God.

He was a man unto all men. He could fit himself gracefully and in a dignified manner, to any crowd. He enjoyed conversation with the lowly apparently as much as with those who occupied the higher positions in life. He did not walk and pass along among his fellow men with an air of superiority, but his fellow men felt at ease in every way while associating with him, regardless of rank.

His home life was congenial and pleasant. He was married Jan. 1, 1884, at Shreveport, La., to Blandie Cutliff, daughter of Dr. William Cutliff, a practicing physician of that city. Mrs. Stuart was educated in the schools in Shreveport and attended Peace Institution, a girls school, at Raleigh, North Carolina. Mrs. Stuart and their four sons and three daughters survive him. The children are: Royal C. Stuart, Charles P. Stuart, Douglas S. Stuart, and Mrs.

Agens Jones, all of Oklahoma City; Richard O. Stuart, and Mrs. Eunice Jones, of Shreveport, La., and Mrs. Janet Johnson, of Houston, Texas. To his family he was devoted and indulgent husband and father.

NOW, THEREFORE, BE IT RESOLVED, That we, the Bar of the United States Court for the Eastern District of Oklahoma, here and now, by these presents, testify as to the wonderful character and achievements of Judge Stuart, and feel deeply our loss by his death; and

BE IT FURTHER RESOLVED, That in honor of his memory, and in appreciation of his fine personality, and splendid record, both as a lawyer and man, these resolutions be spread upon the minutes of this Court, and a copy thereof be sent to each member of his bereaved family.

Respectfully submitted this 26th day of April, 1937.

(Signed) S. J. Norton
J. S. Arnote
R. W. Higgins
Wallace Wilinson
H. H. Clayton,
Committee on Resolutions.

McAlester, Oklahoma

RESOLUTION OF RESPECT FOR AND IN APPRECIATION OF HONORABLE JAMES H. GORDON[1]

WHEREAS, the 23rd of October, 1936 marked the passing of Honorable James H. Gordon, whose life and labors were so closely concerned in the growth and development of Eastern Oklahoma; and were so intimately connected with the United States Courts of that portion of the State, that it seems fitting that we place upon the records of this Court an appreciation of his citizenship and achievements.

Judge Gordon was born in Madison County, Virginia, on the 3rd of October, 1868. He was the son of Andrew J. and Lucy H. (Willis) Gordon. His father was a native of Vermont; his mother spent her entire life as a resident of Virginia. His father, while in Virginia, became the founder and owner of what was known as Locust Dale Academy, an educational institute of splendid repute; in this environment of learning and endeavor Judge Gordon's early years were spent.

After leaving the Academy he attended the Suffolk Military Academy, in Virginia; and later, for a while, taught in the academy his father founded. Later, he completed the law course of the University of Virginia, as a member of the class of 1890.

Immediately following his graduation he started for what was then the Indian Territory and arrived in McAlester on the 20th day of July, of that year.

His decision was probably influenced by a former acquaintance, Mr. J. G. Harley, who was located there; for, after his arrival, they formed a partnership, under the firm name of Harley & Gordon, which lasted until Mr. Harley became United States Commissioner.

[1] April 26, 1937, at McAlester, in the District Court of the United States for the Eastern District of Oklahoma.

When Judge C. B. Stuart was appointed to the Federal Bench in this district, in 1893, he named Mr. Gordon Master in Chancery of his court, which position he held until 1895, when Judge Stuart resigned; after which the firm of Stuart & Gordon was formed, and they entered into the general practice in McAlester.

A roster of the names of those with whom he was associated in the practice is of itself enough to determine his unusual intellectual and legal worth. Other than Judge Stuart, associated with him were such men as Judge Yancey Lewis, a former Federal Judge, afterward Professor of Law in the University of Texas; E. E. McInnis, now head of the legal department of the Santa Fe Railroad system; W. H. Moore, formerly of the Rock Island legal department; the Honorable Fielding Lewis, who died a member of the firm of Stuart, Gordon & Lewis, after coming to them from the Attorney General's organization of the State of Oklahoma.

Himself of unusual mental stature, his associates were each of kindred character.

It was a fitting recognition of his ability when he was appointed by Governor Trapp, in April, 1924, to fill a vacancy upon the Supreme Court of the State of Oklahoma. In the Reports of this High Court are crystalized and preserved worthy monuments of his ability in the opinions he sponsored that were by it adopted.

It would add undue length to recite in detail the varied facts of his legal life.

We will content ourselves by adding that in 1911 he was the President of the State Bar of Oklahoma, then a voluntary organization; afterward, he was a member of the Board of Governors of the State Bar of Oklahoma, when it had become an incorporated body. For many years he was the President of the Pittsburg County Bar Association.

The part he played in the civic and industrial history of his community was but little less outstanding than his career as a lawyer.

He gave readily of his time and his talents whenever and wherever an occasion for service offered.

In the formative days he served his city as a member of its Council; he was identified with the Democratic Party, serving among other places as a member of the State Central Committee; and his office, even when he occupied no official position, was the source from which constantly came advice that assisted or directed the course of events for the City, or County, through many of their most troublesome periods. His interest in local civic affairs continued unabated to the hour of his passing.

He was one of the organizers of, and for more than forty years, a director in the First National Banking institution organized in McAlester, and often had served as its President.

His capacity as an organizer and an executive was widely recognized; because of it he became State Chairman of the Third Liberty Loan Campaign, during the troublous days of the World War.

He was active and prominent in the ranks of Masonry; and for many years was a communicant and officer of the Methodist Church.

He proved his love for his State and Community by yet a deeper symbol.

In the City of McAlester he established his fireside, after the 4th of April, 1900, when he was married to Miss Bertha L. Frederick, of Litchfield, Illinois. The union brought together minds of rare congeniality and the atmosphere engendered by the mutual respect, endeavor and sincerest personal regard, no doubt, was a potent factor in the formula of his successes. Of this union was born his son, A. James Gordon, with whom he was associated in the practice of law at the time of his death; and his daughter, Mrs. Ted Ingraham (Nee Margaret Gordon) now a resident of Cape Girardeau, Missouri. The wife and son are yet residents of McAlester, Oklahoma.

The legal success of Judge Gordon was due, in a large measure, to tireless industry and painstaking attention to details. He rarely essayed the role of the orator; none the less, he was singularly effective in the courts. With clarity of statement and remorseless logic he convinced the reason and controlled the intellect; and whether in nisi prius or in appellate tribunals his opponents found in him "that stern joy that warriors feel, in foemen worthy of their steel."

Of one thing all men could be assured: During his life as a citizen, lawyer, jurist, and as a man, he adhered to the simple, basic, and eternal truths, and directed his life by the ancient landmarks—steadfast, he was but little troubled by the tumultuous clamor or the passing passions of the hour.

THEREFORE, BE IT RESOLVED: That as a token of appreciation of his worth; the esteem with which he was regarded by bench and bar; and as an expression of the wide spread regret that marked his passing; and with the further desire in some measure to perpetuate his memory; it seems fitting that the Minutes of this Court whom he so long served, should bear evidence of the esteem in which he was held by its presiding officers and his professional brethren; and

BE IT FURTHER RESOLVED: That an attested copy of these Minutes be furnished to each of his family as a token of this appreciation, and of the sympathy tendered them because of their bereavement.

COMMITTEE

Guy L. Andrews
Allen Wright
W. P. Freeman
Tom. C. Haile
Melvin Cornish

McAlester, Oklahoma

BOOK REVIEWS

A Story of Evolution. By Charles W. Grimes. (Somerville, New Jersey: The C. P. Hoagland Company, 1937. 266 pp. $2.00)

The author of this informative and highly interesting book has long been a resident of Tulsa, Oklahoma. He is a business man engaged primarily in the oil industry on his own account but well known in civic, political, and educational circles in his adopted city and state. For a number of years he has given scholarly attention to the advancement of the sciences of biology, palaeontology, geology, astronomy and in particular to anthropology, archaeology, and the arts of mankind.

This book is written by a layman for the laity rather than by a professionalist to a scientific audience; therein lies its chief merit. The style and language is easily grasped but it is none the less authoritative in every particular. It is a comprehensive story of life on this planet which culminates in man's cultural development, a study in the universal reign of natural law.

The author is not dogmatic in his statements and makes no attempt to argue his subject in any opposition to religious views. In fact, he approaches the subject from an inspiring point of view as if there be "one far off divine event to which the whole creation moves."

The essential theme of this story outline of evolution is the pre-history of the human race as carried from the dawn of civilization through development of social order, origin of the alphabet and writing, development of morals, transportation, communication, power, pictorial art, music, etc. to the frontiers of current history. It is a book that one reads with delight and appreciation as the whole subject evolves in connected order in the style of John Burroughs and with a substance characteristic of H. G. Wells.

—James H. Gardner.

Tulsa, Oklahoma.

Anthology of Poetry by Oklahoma Writers. Compiled by Aletha Caldwell Conner. (Oklahoma City: Times Journal Publishing Company, 1936. $2.00).

This volume features Oklahoma's traditions, legends, and historical lore. It is dedicated to the courageous pioneers of Oklahoma, the Eighty-Niners, with a pictured covered wagon, designed by Jean Fay Armstrong, of Chandler.

A varied theme is offered in this second volume of poetry. Dust storms, geology, tax tokens, love of homeland, Indians, patriotism, and appreciation of nature—each clamors for expression in poetic effusion. Beginning with Don Moon, Guthrie poet, we see a rhymed conception of Oklahoma's run for homesteads in "The Great Race." George Riley Toohey of Canton, relates history of this period in "Pioneers of Eighty-Nine." "Song of the Middle West," by Mary Bragg of Norman, and "Awaiting the Mid-day Sun," by S. K. Inney of Guthrie, follow the historical trend. Thomas Hold, Ada attorney, and M. F. Manville, Ada abstracter, each contributes to the collection a touch of his own profession in clever verse form. "The Dust God," by L. L. Hinton of Bartlesville, and "The Dust Storm," by Vola Ruth Martin of Chandler, vividly relate that phase of Oklahoma life.

—Camille Phelan.

Oklahoma City, Oklahoma.

Check List of Manuscripts in the Edward E. Ayer Collection. Compiled by Ruth Lapham Butler. (Chicago: Newberry Library, 1937. VII+ 295 pp. $5.00).

The Newberry Library of Chicago has made a worthwhile contribution in making available the splendid volume entitled *Check List of Manuscripts in the Edward E. Ayer Collection* compiled by Ruth Lapham Butler. This check list will enable scholars to see what materials are available in this outstanding collection which is in the custody of the Newberry Library of Chicago. Dr. Butler as custodian of the collection shows a pleasing familiarity with these priceless manuscripts.

Students of the history of the Cherokees will be especially interested in the items which are listed under the name of John Howard Payne.

American scholars are placed under indebtedness to the late Edward E. Ayer because of the painstaking and thoughtful manner in which he collected priceless decuments and other manuscript material. This volume should serve as a guide to other institutions in compiling lists of their holdings. Although there appear to be omissions here and there in the index, on the whole it is quite thorough and should be quite helpful to students.

The Oklahoma Historical Society and its patrons will find much use for this work in the years to come. We are indeed fortunate to be selected as one of the institutions to receive a copy of this edition of five hundred. Dr. Utley and his associate have reason to be proud of the work they have done in making this volume available.

—James W. Moffitt.

Oklahoma City, Oklahoma.

ANNUAL MEETING OF THE OKLAHOMA HISTORICAL SOCIETY

April 22-23, 1937

Chickasha, Oklahoma

The Annual Meeting of the Oklahoma Historical Society convened April 22, 1937, at Chickasha. Following registration of members and visitors, dinner was served at 6:30 p. m. in the new Chickasha Hotel with Mr. George H. Evans as toastmaster. The address of welcome was delivered by Mr. Lloyd Benefield, Secretary of the Chickasha Chamber of Commerce, after which Judge Harry Campbell, Tulsa, member of the Board of Directors, responded. Dr. M. A. Nash, President of Oklahoma College for Women, introduced the College Quartette which sang several numbers. Judge C. Ross Hume of Anadarko, presented a group of Caddo Indians, Stanley Edge, Harry Edge, Mrs. Harry Edge, Mrs. Frank Cussens, and Miss Josephine Inkanish, dressed in native costumes. Harry Edge made a short talk in the Caddo language, which was interpreted by his brother, Stanley Edge. Judge Hume presented to Dr. Emma Estill-Harbour, Vice President and Presiding officer, for the Historical Society, a gavel of Caddo County timber made by Wade Moore. Copies of the itinerary of the Anadarko trip with covers painted by Kiowa Indian artist were presented to officers of the Society by Mr. Hume, assisted by Miss Inkanish, on behalf of the Anadarko Chamber of Commerce. Under the direction of Gen. William S. Key, Administrator for the Works Progress Administration of Oklahoma, moving pictures were shown of the dedication of the Sequoyah Home, Fort Gibson after restoration, and Darlington. Capt. W. S. Nye, U. S. A., of the Field Artillery school at Fort Sill, then told of the Battle of Wichita Village.[1] The officers and members of the Historical Society and the visitors were introduced by Mr. George H. Evans, Editor of the *Chickasha Daily Express* and chairman of the program committee.

[1]See page 228.

The next morning at 9:00 o'clock the program opened in the Austin Hall Parlors of the College, at which session Miss Jean Carmichael read a paper on Grady County Area history, and Dr. Grant Foreman, Director of Indian-Pioneer History project, reported on some interesting bits of information gathered by his workers. Mrs. Blanche Lucas moved that the report of Dr. Foreman be accepted. Motion was seconded and carried.

At 10 a. m. the meeting was transferred to the College Auditorium, where a musical program was given by the College Orchestra under the direction of Elias Novikow, following which a song dedicated to Oklahoma College for Women and the song "Oklahoma" were sung by students. Dr. Nash introduced Dr. Emma Estill-Harbour, Head of the History department of the Central State Teachers College, and Mrs. Lois Gillis Hall, Professor of English at Northeastern State Teachers College, who related their experiences as early day students of the College.

At 11:00 o'clock the business session convened in the Austin Hall Parlors with Dr. Emma Estill-Harbour, Vice President, presiding in the absence of the President. Invitations were presented from various organizations in Tahlequah, Ponca City, Shawnee, and Tulsa for the Society to hold its next annual meeting with them. Mr. J. B. Milam of Chelsea, moved that the next annual meeting of the Oklahoma Historical Society be held at Tahlequah. Motion was seconded and carried. The Secretary moved that the other cities be thanked for the invitations to be their guests next year. Motion was seconded and carried. The Secretary presented the following list of applicants for annual membership in the Society.

William Austin Arbuckle, Muskogee; Ernest Parks Chrestman, Spiro; William Tecumseh Clark, Medford; Dr. Isabel Cobb, Wagoner; Leonard H. Dickerson, Oklahoma City; Eugene Dandridge Ellis, Hugo; Mrs. George F. Fluke, Ponca City; Mrs. Lois Gillis Hall, Tahlequah; Mrs. Adriah Helmbrecht, Tonkawa; Benjamin Holladay, Oklahoma City; Rev. Charles E. Hoole, Blair; Mrs. W. D. Humphries, Oilton; Icko Iben, Stillwater; Judge P. W. Keen, Clinton; Lola McAninch, Pawhuska; Mrs. Charlotte Mc-

Clendon, Tulsa; J. W. McCollom, Medford; Walter S. Mills, Clinton; T. T. Montgomery, Chickasha; Walter W. Morton, Okmulgee; Clarence Dodds Musser, Norman; Mrs. J. T. Nichols, Muskogee; Omar Ellsworth Null, Arnett; Dr. Oscar Lee Owens, Oklahoma City; Mrs. Jesse Pelphrey, Shawnee; W. G. Phillips, Tulsa; Wip Robinson, III, Wewoka; Mrs. L. S. Schowalter, Kingfisher; Robert H. Searcy, Tulsa; Judge James R. Tolbert, Hobart; William Henry Villines, Byars; Tipp Herman Watts, Oklahoma City; Tipp Warren Watts, Oklahoma City; Mrs. J. T. Wilkinson, Muskogee; Ralph Lee Woodward, Oklahoma City; Jeffie Davis Young, Chickasha.

Dr. Grant Foreman moved that the list of applicants for membership as read by the Secretary be accepted. Motion was seconded and carried. Mrs. Anna B. Crouch of Tuttle, told of the monument that had been erected at Tuttle to mark the Chisholm Trail. On motion of Miss Eula E. Fullerton of Tahlequah, the meeting stood adjourned. The members and visitors were guests of the College at a luncheon in the College dining halls.

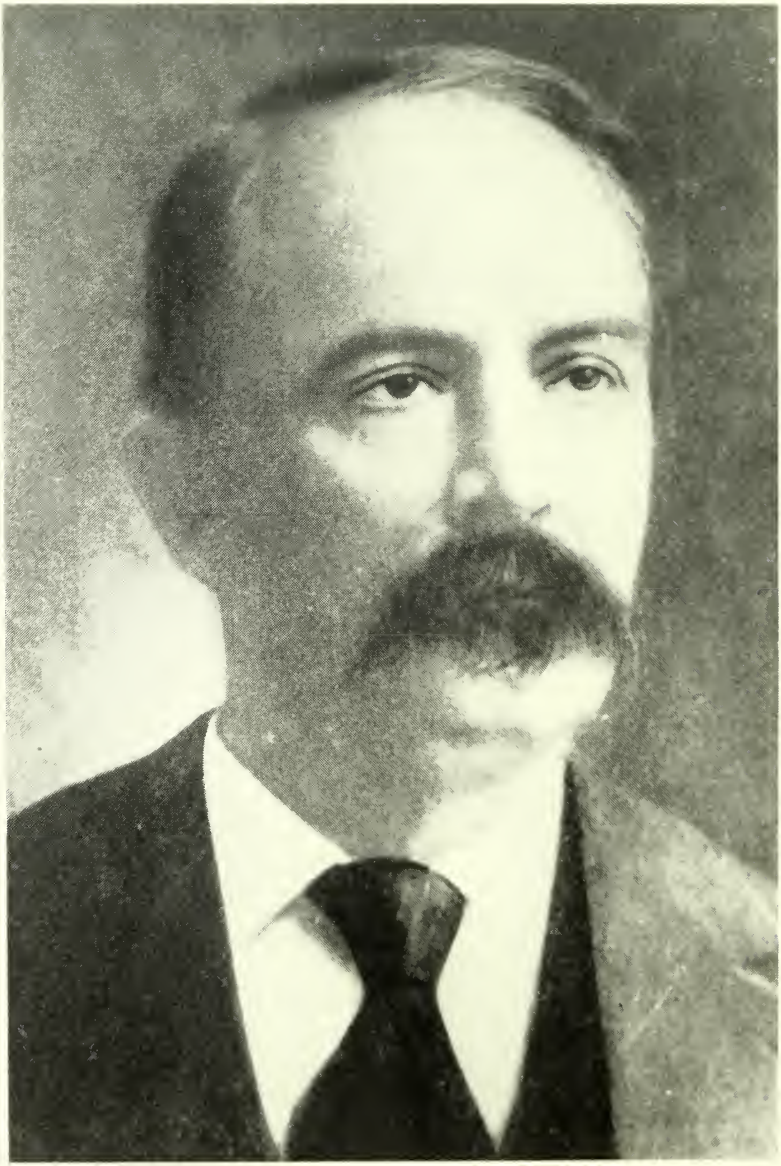
At 1:00 p. m. the group left Chickasha for a tour of historical sites of Anadarko and its vicinity, under the direction of Judge C. Ross Hume, of Anadarko. They came first to Verden where the school was dismissed and the children and citizens welcomed the assembly. Dr. Anna Lewis of the Oklahoma College for Women, explained the significance of the monument erected there on the site of Camp Napoleon, commemorating the compact between the Five Civilized Tribes and the Plains Indians. The following authors of Oklahoma history were introduced: Dr. Grant Foreman, Dr. Joseph B. Thoburn, Miss Muriel H. Wright, and Supt. T. T. Montgomery.

The new Federal Building at Anadarko was visited where the murals painted by the Kiowa Indians, Mopope, Asah, and Auchiah were seen. These depict the life of the wandering Kiowas before the arrival of the "palefaces." The museum in the City Hall was visited where the party was met by members of the Philomathic Club who are its sponsors. Here many interesting relics illustrative

of that region were seen. At Riverside Indian School (an Indian boarding school), established in 1871, the group was welcomed by Judge Oris L. Barley and Mr. Roy Griffin, Secretary of the Anadarko Chamber of Commerce. The visitors were impressed with the work done by Principal J. E. Shields and his associates in endeavoring to preserve the best of Indian culture and to train the children for the responsibilities of citizenship. The pupils gave a number of beautiful Indian dances. Refreshments were served by the Home Economics department under the direction of Mrs. Wanda Gray. The Rev. J. J. Methvin, a pioneer missionary and educator of the Indians, Dr. Charles R. Hume, an early day physician of the Kiowa and Comanche Agency, and George Hunt, a Kiowa interpreter for many years, were honored guests. After leaving the school the grave of Black Beaver, a famous Delaware scout and chief was passed in the distance and pointed out by Boy Scouts. The Masonic Hall, the home of the oldest Masonic Lodge in Western Oklahoma, and the private collection of Indian relics owned by Robert L. Boake, an early day trader, were visited. The last stop was made at the little chapel of St. Patrick's Mission, a school for Indian children, where the party was met by Father Aloysius Hitta, who explained the sixteen murals painted by Kiowa Indian boys. These attractive murals portray the founding and growth of the Mission under the guidance of Father Isidore Ricklin.

Emma Estill-Harbour, Vice President,
Presiding.

James W. Moffitt,
Secretary.



CHIEF SAMUEL H. MAYES

CORRECTION

The picture of Chief Samuel H. Mayes of the Cherokees appears in this current issue of the *Chronicles* for the express purpose of correcting an error appearing opposite page 64 of our March number whereon erroneously appears a picture of Chief C. J. Harris but mislabeled as that of S. H. Mayes. The picture of Samuel H. Mayes herein reproduced is the likeness which should have appeared opposite page 64 of our March issue.

The error is deeply regretted.

Readers of the *Chronicles* who preserve the quarterly issues by binding or otherwise will carefully make a proper substitution before a permanent filing. —J. W. M.

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THE PRINCIPAL CHIEFS OF THE CHEROKEE NATION

By Gaston L. Litton

From 1800 to 1866, at one time or another, there were no less than six distinct groups of Cherokees, each with its own governmental organization, its chiefs, its council and laws.[1] With the ratification of the treaty of 1866,[2] however, all but one of the separate branches of the tribe were united in Indian Territory and for forty years the Cherokee people lived as one body politic and social.

The Arkansas Cherokees

At the time of the American Independence the Cherokee Indians were a united people living in the Appalachian South—in the valley of the Tennessee river and in the highlands of Carolina, Georgia and Alabama. Dissension arose within the tribe and, in 1782, a group of Cherokees petitioned the governor of Louisiana for permission to settle on lands west of the Mississippi.[3] Authority was granted and, as a consequence, there was considerable emigration of Cherokees to the present state of Arkansas. Settling on the White and Arkansas rivers, the Indians set up a political

[1]These bands of Cherokees were as follows: the Arkansas branch; the Texas group; the main body of Cherokees east of the Mississippi; the North Carolina band; and the Cherokee Nation in Indian Territory, which split into a Union and a Confederate division during the Civil war period.

[2]By this treaty relations between the United States and the Confederate and Union Cherokees, which had been interrupted during the war, were readjusted.

[3]Emmet Starr, *Cherokees "West" 1794 to 1839* (Claremore, 1910), 129. Additional information on the Arkansas detachment may be found in James Mooney, "Myths of the Cherokee," *Bureau of American Ethnology, 19th annual report* (Washington, 1900) pt. 1, 135-143, and in Grant Foreman, *Indians & Pioneers* (New Haven, 1930), 29-120.

organization independent of their eastern brothers and called their group "The Cherokee Nation 'West.' "[4]

The governmental organization of the Arkansas Cherokees prior to 1824 was simple. For many years the tribal affairs were guided by The Bowl or Captain Bowles, as he was also known. In 1813 The Bowl was succeeded by Takatoka who headed the group until 1818 when, for a brief interim, the chieftaincy passed to Tahlontiskee. The latter was succeeded as principal chief by John Jolly.

On the 11th of September 1824 delegates of the four districts of the Cherokee Nation "West" met in council on Piney Creek and formally organized their government along democratic lines. In a resolution passed on that day the executive power of the tribe was delegated to three officers—a first or principal chief, a second or assistant chief, and a third or minor chief.[6] The term of office was limited to four years and the salaries, as fixed by this act, were as follows: first and second chiefs, one hundred dollars annually; third chief, sixty dollars annually.

Eleven years after the creation of the executive office, the powers and duties of the chiefs and their relationship with the national council were further defined. By an act[7] adopted on October 29, 1835 the chiefs were required to sign all documents and resolutions passed by the national council to give them validity as law. The chiefs were further empowered to veto any resolutions of the council. Attendance of the chiefs was required at the meetings of the council. For failure to perform the duties and obligations of the office, charges of impeachment could be brought

[4]From 1820 to 1828 the seat of the government of the Cherokee Nation "West" was located at Piney, on Piney Creek, probably in the present Johnson County, Arkansas. Starr, *op cit.*, 134.

[5]Emmet Starr, *History of the Cherokee Indians* (Oklahoma City, 1921), 26; *Senate Executive Document*, 30 Cong., 2 Sess., no. 28, 72-73.

[6]Starr, *Cherokee "West,"* 103-104. The custom of having three chiefs, peculiar to the Arkansas branch of the tribe, has been attributed to the anxiety of the Western Cherokee to preserve their executive line of succession. Until 1821 or 1822 they were in constant war with the Osage and the tribe had suffered heavy losses of men.

[7]*Ibid.*, 125-127.

against the chief and he could be removed from office. Provision was made at this time for succession to the office of chiefs in the event of vacancies.[8]

John Jolly, the incumbent, was re-elected to the office of principal chief under the new law.[9] To serve with him as second chief was Black Coat. The latter died in the spring of 1835 and was succeeded by Joseph Vann.[10]

Walter Webber was elected third chief and served until his death on July 16, 1834. By an act of the council,[11] Thomas Chisholm was appointed to fill the office but he lived to serve only a few months, dying on November 12, 1834. Another act of the council, passed on June 4, 1835, placed James Rogers in the office of third chief.[12]

In 1828 and 1829, during the administration of John Jolly, the Arkansas Cherokees removed to Indian Territory. On their arrival they reestablished their government, locating their capital at Tahlontiskee on Deep Creek.[13] John Jolly continued as principal chief until his death in 1838.[14] In December of that year John Looney took office as principal chief and was to have served untill October 1839; but with the arrival of the Eastern Cherokees in Indian Territory, however, the Old Settler and Arkansas Cherokees decided to strengthen their organization. And a new election was held on April 22, 1839, at which time John Brown became principal chief, with John Looney and John Rogers as second and third chiefs.[15] John Brown served for only a few months in the spring of 1839,[16] for the failure of Chiefs Brown and Rogers

[8]*Ibid.*, 127-128. This act bears the signatures of John Jolly, Joseph Vann and James Rogers, chiefs; but not all the acts passed after this date and quoted by Starr are signed by three chiefs.

[9]*Ibid.*, 104.

[10]*Ibid.*, 123-124.

[11]*Ibid.*, 122.

[12]*Ibid.*, 123.

[13]Section 16, Township 12, Range 21 East, in Oklahoma. *Ibid.*, 138.

[14]Grant Foreman, *The Five Civilized Tribes* (Norman, 1934), 291.

[15]*Ibid.*

[16]John Brown, who had been second chief under Jolly and who ordinarily would have succeeded to the office of principal chief, had resigned sometime previous and had departed for Mexico. *Ibid.*, 304.

to yield to a compromise with the Ross party led the Old Settlers to call a convention and depose Brown and Rogers, electing in their stead John Looney principal chief.

Looney signed the articles of union and the Eastern and Old Settler Cherokees were then united under a constitution framed in September. The Rogers faction, refusing to recognize the deposition from office, met in council and elected on October 10, 1839 a new group of officers which included John Rogers as first chief, John Smith as second chief and Dutch third chief.[17] Lacking support, the new government was not successful; and the history of the Cherokee Nation "West" ended.

The Texas Cherokees

The origin of the Texas branch of the Cherokee tribe may be traced to the dissatisfaction with the delay of the United States government to fulfill the obligations of the treaty of 1817.[18] In the winter of 1819-1820 The Bowl, with sixty of his men and their families, left Arkansas and emigrated to the Province of Texas where they settled on the Angelina, Trinity and Neches rivers.[19]

Smaller in number than the Arkansas group, the Texas Cherokees seem not to have had a formal government. The leadership of the band was in the hands of Richard Fields until his death in 1827. The Bowl succeeded Fields and served until his death twelve years later.[20]

The Cherokees remained in the Province of Texas, through successive changes in its administration, until their dispersion in 1839 when most of them crossed the Red River and united with the main tribe that had just removed to Indian Territory.[21]

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[17] *Ibid.*

[18] Mooney, *loc. cit.*, 143.

[19] *Ibid.* Considerable secondary source material on the activities of the Texas and Arkansas Cherokees has been made available by Virginia Lee Lindsey, History of the Western Cherokees (Unpublished Master's thesis, University of Oklahoma, 1935).

[20] *Ibid.*, 153.

[21] A few of the Cherokees, who did not return to Indian Territory, went to Mexico where they established homes near Guadalajara and Lake Chapola. Mooney, *loc. cit.*, 146.

The Eastern Cherokees[22]

The great body of Cherokees remained in the ancestral lands east of the Mississippi until after the removal treaty of 1835, when they were forcibly ejected from their homes and driven to Indian Territory whence the Arkansas branch had gone a few years earlier.

The governmental organization of the eastern band of Cherokees precedes the date of their removal to the West and presupposes the great advancement in self-rule made by the tribe.[23] As early as 1817 the Cherokees had established their national council which, in 1819, elected John Ross as president.[24] Ten years later, on June 1, the Cherokee people held an election of delegates to a convention which met at New Echota to form, on July 26, 1827, a republican constitution.[25] This able document, patterned after our own federal constitution, divided the power of the government into three distinct departments—the legislative, the executive and the judicial. The executive authority was vested in a principal chief, chosen by the general council for a term of four years.

The powers and duties of the principal chief, as defined by this constitution,[26] were several; but since they closely resemble the powers of the executive as outlined in the later constitution of 1839, a discussion of the office will be deferred until later in this paper. The rulers and principal chiefs of the Cherokee Nation

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[22]The North Carolina branch of the tribe is sometimes known as the "Eastern Cherokees", however, in this instance the title refers to the main body of Cherokees residing east of the Mississippi, until their removal to Indian Territory in 1838-1839.

[23]An able study of the Cherokees of the American Revolution period is Old Frontiers, a manuscript by J. P. Brown of Chattanooga, Tennessee.

[24]Rachel Caroline Eaton, *John Ross and the Cherokee Indians* (Menasha, 1914), 135.

[25]A copy of this constitution appears in Emmet Starr, *History of the Cherokees*, 55-63. There is a manuscript copy in the files of the *Division of Library and Archives*, Department of Education, State of Tennessee, Nashville.

[26]The office of principal chief is defined in Article III, Section 26, and in Article IV, Sections 1 to 18, inclusive, of the constitution of 1827.

prior to the removal of the tribe to Indian Territory (as nearly as can be determined) are listed by Emmet Starr as follows:[27]

Moytog	April 3, 1730-1760
Attacullaculla	1760-1775
Oconostota	1775-1780
Hanging Maw	1780-1892
Little Turkey	1792-1801
Black Fox (or Enoli)	1801-1811
Pathkiller	1811-1827
Charles R. Hicks	1827
William Hicks	1827
John Ross	1828-removal

Whether known as headmen or principal chiefs, these men were unquestionably the leaders of their tribe.

The transfer of the great body of Cherokees to Indian Territory, which began in 1838 and continued into the spring of 1839, closed the history of this branch of the tribe.[28]

The North Carolina Cherokees

At the time of the general removal of the Cherokees to Indian Territory, in 1838, a considerable number of the tribe fled into the mountains of Tennessee and North Carolina and refused to emigrate. It was not until 1842 that the government recognized the presence of these Cherokees and agreed to let them remain in their mountain retreats.[29]

The leadership of this group of Cherokees, prior to 1839, was in the hands of Big Bear (Yanegwa) and Drowning Bear (Yona-

[27]These names and dates are given, not with the belief that they are absolutely correct, for lack of available records makes it impossible to check and verify this material. Too, little uniformity exists in the spelling of these and other Cherokee names. Starr, *History of the Cherokee Indians*, 26. See also *Cherokee Phoenix*, December 3, 1831.

[28]The story of the Cherokee emigration is told by Grant Foreman, *The Indian Removal* (Norman, 1932), 229-312.

[29]Mooney, *loc. cit.*, 159.

guska). Upon the death of the latter in 1839, the chieftaincy succeeded to William Holland Thomas, an adopted Cherokee who had been a white trader among them for many years. And for a quarter of a century this white man guided the destinies of the Eastern Cherokees.[30]

The first attempt of the North Carolina Cherokees to organize a tribal government came in December 1868, when they met at Cheowa[31] and adopted a declaration which provided that a council be called to elect a chief.[32] After a series of delays this council met on November 26, 1870 at Qualla Town.[33] On the following December 1, under a constitution adopted on that day, a first and second chief were elected whose power and right of governing were to extend over the whole land of the Eastern Cherokees for a term of not exceeding two years. Elected to the new offices were Flying Squirrel (Call-lee-high) principal chief and John Jackson (Oo-wah-ben-tee) second chief.[34] These men served until 1875. On October 13 of that year, at the Cheowa Council Ground, amendments to the constitution of the North Carolina band of Cherokee Indians were adopted and the duties and powers of the principal and second chiefs were further defined.[35] To be eligible to either office, each candidate must have attained the age of thirty-five years and be not less than one-fourth Cherokee. The chief, whose term of office was fixed at four years, was empowered to call the general council in extraordinary session; he was obligated to furnish the legislators with information on the condition of the nation and to recommend measures for the promotion of the tribal welfare. He was required to visit the different towns and settlements at least once in two years. Impeachment charges could

[30]The story of this unusual man, whose career among the Cherokees resembles that of Sam Houston, is told by Mooney, *loc. cit.*, 159-172.

[31]Cheoah, in the present county of Graham, North Carolina.

[32]This declaration appears in Henry B. Carrington, "Eastern Band of Cherokees," *Eleventh Census of the United States*, 1890 (Washington, 1892), 18; Mooney, *loc. cit.*, 173.

[33]Jackson County, North Carolina.

[34]Mooney, *loc. cit.*, 173.

[35]Carrington, *op. cit.*, 19-20.

be brought against the chief and, for failure to discharge his duties, he could be removed from office. Provision was made at this time for succession to the office, in case of vacancy.

The succession of chiefs, elected after the adoption of these amendments, is as follows:[36]

Lloyd R. Welch	1875-1880
Nimrod Jarret Smith	1880-1891
Stilwell Saunooke	1891-1895
Andy Standingdeer	1895-1899
Jesse Reed	1899-1903
Bird Saloloneeta	1903-1907
John G. Welch	1907-1911
Joseph A. Saunooke	1911-1915
David Blythe	1915-1919
Joseph A. Saunooke	1919-1923
Sampson Owl	1923-1927
John A. Tahquette	1927-1931
Jarrett Blythe	1931-1935
Jarrett Blythe	1935-[37]

Unlike their Indian Territory brothers who relinquished their tribal organization when Oklahoma was admitted to the Union in 1907, the North Carolina Cherokees have retained their tribal government until the present. The legislative body of the North Carolina Cherokees is composed of two members elected from each of the five townships on the reservation. According to the provision of their constitution, the annual or grand council meets the first Monday in October each year and at such other times as it may be called together by the principal chief. The principal chief does not deliver an annual message to the council (as was the custom among the Indian Territory Cherokee chiefs), but he does

[36]Dr. Harold W. Foght, Superintendent of the North Carolina Cherokees, Department of the Interior, *letter to the author*, June 24, 1937.

[37]Chief Blythe's present term expires in 1939. *Ibid.*

make to that body a report giving an account of his stewardship for the past year.[38]

The Cherokee Nation in Indian Territory[39]

The arrival of the main body of the Cherokee tribe in Indian Territory in 1839 presented a peculiar and difficult problem, for here were two factions of the same Nation living in the same territory under separate chiefs and government. Neither group expected to abandon his laws and chiefs for those of another.

Negotiations for uniting the Old Settlers and Eastern Cherokees were begun shortly after the arrival of the latter group. And at length, after a series of conferences, a compromise was effected in the act of union drafted at Illinois Camp Ground on July 12, 1839.[40] The amalgamation of the two groups of Cherokees was furthered the following September with the adoption of a constitution.[41] Under its provisions courts were established, elections were held, and the new government was soon in full operation.

The office of principal chief under the new constitution was filled by John Ross. To serve with him as assistant chief was elected Joseph Vann, who for many years had been one of the chiefs of the Western Cherokees.[42]

Political differences for a time seemed to be settled. But soon the ominous rumblings of the Civil War were heard and the Nation was again rent into halves along the lines of its former disturbances. And from 1862 till the negotiation of the Treaty of 1866, at the close of the war, there were two Cherokee Nations in Indian Territory—one, headed by John Ross, which was pro-

[38]*Ibid.*

[39]The authority on this branch of the Cherokees will be *The Political History of the Cherokee Nation* by Dr. M. L. Wardell, to be released by the University of Oklahoma press in the autumn, 1937.

[40]There is some question that the act of union was sanctioned by the Old Settler and Arkansas Cherokees. To quote from a report of Amos Kendall, counsel for the Old Settlers, July 20, 1846: "Probably, not twenty bonafide "Old Settlers," participated in the monstrous act. . . . It seems to be a weak assumption which lays claim to validity in the *act of union.* There was but one party really present." *Senate Executive Document*, 20 Cong., 2 sess., no. 28, 87-88; 99.

[41]Constitution and Laws of the Cherokee Nation (St. Louis, 1875), 36-45.

[42]Foreman, *The Five Civilized Tribes*, 307.

Union during most of the war; the other, headed by Stand Watie, which was distinctly Southern in its sympathies.

Shortly after the beginning of the War between the States, efforts were made to secure for the Confederacy the alliance of the tribes of Indian Territory.[43] With that as his objective, Albert Pike was sent as agent to the Indian tribes west of Arkansas; but on his arrival in the Cherokee Nation in June 1861, Chief Ross refused to deal with him. While Pike was in the West, however, the Confederates won the Battle of Wilson's Creek and the Union army in Missouri withdrew as far as Springfield. After this decisive victory, a Confederate success seemed to the Cherokees inevitable. And Stand Watie and his men, who guarded the northern border of the Cherokee Nation against the raids of the "jayhawkers," after this Confederate success espoused the Southern side. Chief Ross, probably fearing that Pike might make a treaty with Stand Watie and recognize him as head of the Cherokee government,[44] consented to a renewal of negotiations for a treaty with the Confederates. On August 24, three days after a pro-Southern mass meeting at Tahlequah, Ross saw Pike and the first steps were taken towards a treaty between the Cherokees and the Confederacy that was to be signed on October 7, 1861.

In June 1862 the Confederates were badly defeated at Pea Ridge, Arkansas, and the Indian Country was invaded by the "Indian Expedition" which took Fort Gibson and Tahlequah. The return of the Union forces was welcomed by Chief Ross, a Union sympathizer.[45] The Union victory and occupation were short-lived, however, for mutiny broke out within the regiment and the growing strength of the Confederate forces made it necessary for the Union Brigade to retreat to Kansas. After the withdrawal of the Indian Expedition, some two thousand Union Cherokees sought

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[43]Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist* (Cleveland, 1915), 127 *et seq.*

[44]Roy Gittinger, *Formation of the State of Oklahoma* (Berkeley, 1917), 60.

[45]*Ibid.*, 63.

refuge in the ceded lands in Kansas. Chief Ross was arrested and allowed to go overland to the East.[46]

The Secessionist Cherokees returned and took possession of Tahlequah. A convention was called, Ross was deposed and Stand Watie was chosen principal chief of the Southern Cherokees, which position he was to hold until the close of the war.[47] This was probably in August or early September 1862.[48]

During the year 1863 the Union forces regained and reoccupied the country as far south as Fort Smith, and the Union Cherokees of the Ross party reestablished themselves in the Cherokee country. Pursuant to a proclamation issued on January 31, 1863 by Thomas Pegg, assistant and acting principal chief in John Ross' absence, the Union Cherokee legislature met in council on Cowskin Prairie. In February, the council in session repudiated the Pike Treaty and deposed all Cherokee officials who had been disloyal to the United States government.[49] From May 1863 to October 1865, the seat of the Union Cherokee government was located at Kee-too-whah.[50] By October 31 of that year, the government had moved to Tahlequah where it was maintained henceforth. Thomas Pegg served as acting and assistant principal chief until sometime in 1863. Late in that year Smith Christie succeeded

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[46]Early in August, 1862, John Ross and his family were seized by William F. Cloud, colonel in General Blunt's expeditionary force. Ross' capture had been effected by strategy and not without a strong suspicion that he had been in collusion with his captors; for, though nominally a prisoner, Ross was allowed to proceed to Washington, his desire being to confer with President Lincoln in person regarding the condition of the Cherokees. He was treated with great consideration and was practically pensioned out of the Cherokee fund. Gittinger, *op. cit.*, 64; Annie Heloise Abel, *The Indian as Participant in the Civil War* (Cleveland, 1919), 192-193.

[47]Wiley Britton in *The Union Brigade in the Civil War* (Kansas City, 1922), 219-222, says that the election of a principal chief of the Confederate Cherokees was scheduled for a proposed meeting of the legislature on April 25, 1863, which was prevented by an attack of Colonel W. A. Phillips.

[48]Starr, *History of the Cherokees*, 300-301. See also *War of the Rebellion*: A *Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901) Series I, LXI, pt. II, 1046-1048.

[49]John Ross to William P. Dole, April 2, 1863, *Report of the Commissioner of Indian Affairs*, 1863, 227-228; see also, *Laws of the Cherokee Nation.* (Archives, Oklahoma Historical Society), MSS. No. 251—1 to 78, 7 *et seq.*

[50]Fort Gibson.

to the office and served for several months. The office then passed to Lewis Downing who continued as acting and assistant chief until the death of John Ross on August 1, 1866.

With the return of the Union forces to the Cherokee Nation in 1862, the Confederate branch of the tribe sought refuge in the Choctaw country and in the Red River counties of Texas, where they remained until the close of the war. The government of the Confederate Cherokees likewise was moved to the Choctaw Country and there Stand Watie established the executive offices of principal chief.[51]

At the close of the war, the relationship of the Northern and Southern factions of Cherokees became the question of the hour. The first overture to settle the differences was made by the Southern Cherokees. On June 28, 1865 a group of six delegates appointed by Stand Watie, chief and general of the Confederate Cherokees, was instructed to go to Fort Gibson. The delegates put in an appearance at that place on the 8th of July. Lewis Downing, acting principal chief of the Northern Cherokees in the absence of John Ross, assembled the council at Tahlequah to deliberate as to the advisability of giving the delegation an audience. In the end amnesty was resolved upon and on July 14, 1865, elaborately proclaimed.[52] This document was unacceptable to the Southern Cherokees, however, and the conference ended in dis-

[51]The executive office of the Confederate Cherokee government seems to have changed location periodically during the war. The government was possibly set into operation at Tahlequah in August 1862. There is a record of a session of the Confederate Cherokee "Convention" being held at that time and one would suppose that the executive offices were located there too.

The second "convention" of the Southern Cherokees was held at the mouth of Coody Creek in Canadian District, in the Cherokee Nation, from May 22 to June 1, 1863. Starr lists the officers and Stand Watie is listed as the principal chief and the names of the other officers and members of that convention are given by Starr, *History of the Cherokee Indians,* 300-301.

The Southern Cherokees held still another meeting. At Camp Brassie, I. T., in July, 1864 there was passed a number of acts and resolutions bearing the signatures of Stand Watie principal chief, and B. W. Alberty president of the council. (Archives, Oklahoma Historical Society).

In 1865 the executive office of the principal chief of the Southern Cherokees was located at Fort McCullough. Stand Watie MSS., (Phillips Collection, University of Oklahoma, Norman), Series 3, Volume 10, 17-19.

[52]Annie Heloise Abel, *The Indian Under Reconstruction* (Cleveland, 1925), 127 *et seq.*

appointment. Later, in September, a peace council was held at Fort Smith, but the two groups of Cherokees were hardly more willing to settle their differences than they had been at Fort Gibson and, after a round of conferences, the council adjourned accomplishing little more than the establishment of a formal peace between the government at Washington and the several nations in Indian Territory.

Negotiations were resumed later in Washington and eventually a satisfactory agreement was reached between the two bands of Cherokees and the representatives of the federal government.[53] The government of the Union Cherokees was recognized as the legitimate one, the government of the Confederate Cherokees formally ceased to exist, and the relations of the United States with the Cherokee Nation in Indian Territory were readjusted.

The period that followed the Civil War was one of great advancement in the Cherokee Nation. The war was over; reconstruction began; and the factional differences that had marked the previous history of the tribe were gradually disappearing. John Ross, who had served as chief of the Cherokees and leader of his party since 1828, died in Washington on August 1, 1866, ere the peace negotiations had ended.[54] General Stand Watie, chief of the Confederate Cherokees and leader of the Treaty Party, survived Ross only a few years; he died on September 9, 1871.[55]

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[53]*Ibid.*, 345-363.

[54]John Ross was born of Scotch-Cherokee parents near Chattanooga, Tennessee, on October 3, 1790. He entered public life at an early date, but he did not become active in the Cherokee government until 1817 when he was elected to the national council, of which he was a member until 1826. He helped draft the constitution of 1827 and was, in that year, elected to the office of assistant chief in the new government. The following year Ross became principal chief and held that office without interruption until his death at the close of the Civil War. John Ross has had many violent critics as well as many staunch supporters. His long administration of nearly forty years has been characterized as imperial and autocratic, but it may not have been entirely unsuited to the times and the conditions then existing in the Cherokee Nation.

[55]Stand Watie, whose Cherokee given name signified "standing together," was born near Rome, Georgia, on December 12, 1806. His early life was conspicuous only by his participation in the negotiation of the treaty of New Echota, 1835. After his removal to Indian Territory he was elected several times as councilor from Delaware district. At the outset of the Civil War he became leader of the Con-

Elections were soon to take on a comparative calm and the office of principal chief was to be filled by men who exhibited zeal and ability in the performance of their official duties. The men who were to serve the Cherokee Nation as principal chief in the last forty years of its existence are as follows:[56]

Lewis Downing .....August 1, 1866 to October 18, 1866[57]
William P. Ross .....October 19, 1866-1867[58]
Lewis Downing .....1867-November 9, 1872[59]
William P. Ross .....November 11, 1872-1875

federate Cherokees; and, as a result of his brilliant record in behalf of the Confederacy he was commissioned brigadier general. At the close of the war Stand Watie was a member of the Southern delegation of Cherokees to Washington; but upon his return home he retired from public life and lived modestly on his farm near Webbers Falls until his death.

[56]No attempt has been made here to compile a bibliography on the Cherokee chiefs. That has been done at the University of Oklahoma under the direction of Dr. M. L. Wardell of the department of history. The university is also sponsoring a research project, under the works progress administration, which has as its objective the collecting of the messages and papers of the chief of the Five Civilized Tribes and, incidentally, biographical material about the chiefs. Mention might be made, however, of the biographical studies of the Cherokee chiefs by Judge John Bartlett Meserve which have appeared in recent issues of the *Chronicles*. Additional information may be found in John D. Benedict, *Muskogee and Northeastern Oklahoma* (Chicago, 1922), and in H. F. and E. S. O'Beirne, *The Indian Territory* (St. Louis, 1892).

[57]Lewis Downing was a descendant of Major Downing, a British officer who married a Cherokee woman prior to the American Revolution. He was born in the Old Cherokee Nation east of the Mississippi and was converted to the Baptist faith by the missionaries Evan and John B. Jones. At the outset of the Civil War Downing served as chaplain of the Cherokee regiment commanded by Colonel John Drew; later he was commissioned lieutenant colonel of the Third Indian Home Guard Regiment. Lewis Downing was twice elected to the office of principal chief, but he died before completing his second term.

[58]William Potter Ross, nephew of Chief John Ross, was born on August 28, 1820 at the foot of Lookout Mountain in the Old Cherokee Nation. At the age of seventeen young Ross was sent to school in New Jersey; during his absence the Cherokees removed to Indian Territory. Upon his graduation from Princeton College in 1843, W. P. Ross went to his new home and was soon elected chief of the senate. This was the beginning of a long life of public service, during which time he was senator from Tahlequah and Illinois districts, often a delegate to Washington and twice appointed to fill the vacant office of principal chief. Ross was for a time editor of the *Cherokee Advocate*, the Muskogee *Indian Journal*, the Vinita *Indian Chieftain* and the Tahlequah *Indian Arrow*. Ross was active in promoting education; at one time he was trustee of the Cherokee national seminaries, and during the administration of Chief Bushyhead he served on the board of education. W. P. Ross died at the age of 71, on July 20, 1891. *The Life and Times of Hon. William P. Ross* (Ft. Smith, 1893).

[59]Lewis Downing died on November 9, 1872 after his election to a second term on August 7, 1871. The assistant chief, R. B. Daniel, having died on January 16, 1872, the council then appointed William P. Ross to serve out the unexpired term. Starr, *History of the Cherokees*, 263.

Charles Thompson	1875-1879[60]
D. W. Bushyhead	1879-1887[61]
Joel B. Mayes	1887-1891[62]
C. J. Harris	December 23, 1891-1895[63]
S. H. Mayes	1895-1899[64]
T. M. Buffington	1899-1903[65]

[60]Emmet Starr tells in his *History of the Cherokees*, 263, that Charles Thompson was a deacon in the Baptist Church and acted as local preacher in a frame building that he maintained before his election as chief. The Baptist Church had refused to ordain him, giving as reason the fact that Thompson was a lawyer. Shortly after he became chief he was ordained as a Baptist minister.

[61]Dennis Wolfe Bushyhead was born in the Cherokee Nation east of the Mississippi on March 18, 1826. Upon the completion of his work at Princeton college, young Bushyhead returned to his home in Indian Territory and engaged in the mercantile business. In 1871 he was elected national treasurer which position he held until his election to the office of principal chief in 1879. Retiring from public office at the close of his second term as chief, Bushyhead continued to serve his nation on several occasions as delegate to Washington. He died on February 4, 1898.

[62]Joel Bryan Mayes was born in the Old Cherokee Nation in 1833. His parents emigrated to Indian Territory when he was a small child, and there he was educated in the tribal schools. The first civil office which he held was that of clerk of the district and circuit courts. Mayes was elected chief clerk of the council and later he became clerk of the commission of citizenship. In 1882 he was elected associate justice of the Cherokee supreme court, of which he became chief justice a year later. He retired from the bench in 1885 and ran for office of principal chief, to which he was elected in 1887. Chief Mayes had served four years and had entered upon a new term when he died on December 14, 1891. Assistant Chief Henry Chambers had predeceased Mayes by four days. The office of principal chief was filled by President of the Senate T. M. Buffington until the election of C. J. Harris on December 23, 1891.

[63]C. J. Harris (not to be confused with Cyrus Harris, first governor of the Chickasaw Nation) was born in the Cherokee Nation on April 19, 1856. His father was a white man and his mother a Cherokee. Harris' public life began with his election to the Cherokee senate in 1881. On the death of Chief J. B. Mayes, in 1891, the council appointed Harris to fill out the unexpired term.

[64]Samuel Houston Mayes, brother of J. B. Mayes who was chief from 1887 to 1891, was born in Flint district, Cherokee Nation, on May 11, 1845. His public career began in 1881 when he was elected sheriff of Cooweescoowee district. In 1885 he was elected to the senate, in which body he served two terms. S. H. Mayes' election to the office of principal chief came in 1895. At the close of his term of office, in 1899, he retired from public life and engaged in the mercantile business. S. H. Mayes died on December 12, 1927.

[65]The only surviving regularly-elected chief of the Cherokee Nation in Indian Territory is Thomas Mitchell Buffington. Born in Goingsnake district on October 15, 1855, Mr. Buffington's public life began with his selection as circuit judge. Later he was elected to the Cherokee senate and was serving as president of that body at the time of the death of Chief J. B. Mayes. He acted as principal chief in December 1891 until the appointment of C. J. Harris. In 1899 he was elected principal chief, which office he held until 1903. Judge Buffington resides (1937) in Vinita, Oklahoma.

W. C. Rogers .....1903-November 8, 1917[66]

The office of the principal chief of the Cherokee Nation was, in many respects, much like the office of governor of the several states and the presidency of the United States.[67] The chief was elected by the qualified voters of the Nation at the time of the general election on the first Monday in August, every four years. He took office the following November at the convening of the national council. No person except a natural born citizen was eligible to the office and he must have attained the age of thirty-five years. The term of office was for four years and there was no provision in the constitution limiting the number of terms a chief might serve.[68]

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[66]The last regularly-elected chief was William C. Rogers, who was born December 13, 1849 near Pryor Creek. His public life began with his appointment as deputy sheriff of Cooweescoowee district. Rogers was three times elected to the lower house and was a member of the Cherokee senate for two terms. His election to the office of principal chief came in 1903.

Under the provisions of the United States-Cherokee agreement made at Muskogee on July 1, 1902, the tribal government was not to continue longer than March 4, 1906. In the summer of 1905 as the regular election time approached, Chief Rogers (realizing that the tribal government had only a few months longer to run) failed to issue a proclamation calling for an election of the national council. An election was held, however, against the wishes of Chief Rogers; and on November 11, 1905 the council convened. The chief refused to recognize the honorable bodies. The council adjourned, and both the chiefs and the representatives of the "rump" council went to Muskogee and presented their claims to Indian Inspector Wright who refused to take a part in the matter. The council reconvened and, on November 17, impeachment charges were brought against Rogers. The chief left for Washington to confer with Department of the Interior officials. The council impeached Chief Rogers, declared the office vacant and elected Frank J. Boudinot principal chief. Boudinot was sworn in on November 21, but the assistant chief under Rogers, D. M. Faulkner, refused to recognize Boudinot and turn over to him the records and seal of the office. Both factions appealed to Secretary of the Interior Hitchcock who decided in favor of Rogers. The latter continued in office until his death in 1917. Tahlequah *Cherokee Advocate*, November 30, 1906; Muskogee *Phoenix*, November 12, 18 and 22, 1905; Vinita *Leader*, November 23, and December 14, 1905, and January 4, 1906; Starr, *History of the Cherokee Indians*, 263.

[67]The duties and powers of the executive offices are defined in Article II, Section 1, and in Article IV, Sections 1 to 18, inclusive, of the constitution. Considerable attention has been given to the executive department under the Cherokee constitution by Eula E. Fullerton, Some Social Institutions of the Cherokees, 1820-1906 (Unpublished master's thesis, University of Oklahoma, 1931), 53-81.

[68]D. W. Bushyhead was the only regularly elected chief, after the Civil War, who served two complete terms. Lewis Downing and J. B. Mayes were elected to second terms but died soon after re-election. W. P. Ross was twice elected by the national council to finish unexpired terms of a principal chief, but he did not hold office directly through the choice of the Cherokee people.

The powers of the principal chief were several. He issued writs of election, offered rewards, honored requisitions from executives of other nations. He could convene the national council in extraordinary session; he could fill, during the recess of the national council, any vacated offices which the council filled while in session.

The duties of the principal chief were numerous. He was obligated to recommend to the council such measures as he deemed expedient and worthy of legislative action. He was required to visit the different districts of the nation at least once in two years to inform himself of the general condition of the country. In cases of disagreement between the two branches of the national council with respect to the time of adjournment, the chief had the power of adjourning the honorable bodies at such time as he deemed proper. The principal chief was required to maintain official residence at the seat of the government only during the session of the national council.

The salary of the principal chief was fixed by act of the council and varied from time to time. It was fixed by action of the council as follows: in 1839, $500; in 1859, $900; in 1875, $2000; in 1892, $1500.[69]

To assist the principal chief in his official duties was an assistant chief whose election and term of office were identical with that of the principal chief.[70]

It might be interesting to note, in this regard, that three chiefs died in office —John Ross, Lewis Downing and J. B. Mayes. John Ross was an uncle of William P. Ross and J. B. and S. H. Mayes were bothers. Charles Thompson and Lewis Downing were the chiefs in whom there was a predominance of Cherokee blood, the others were mixed-bloods. Four chiefs fought in the Civil War—J. B. and S. H. Mayes, W. P. Ross and Lewis Downing; the latter were in the same regiment. Three chiefs went to California during the Gold Rush—D. W. Bushyhead and the Mayes brothers. Lewis Downing and Charles Thompson were ministers of the Gospel. Two chiefs were educated at Princeton College—W. P. Ross and D. W. Bushyhead.

[69]Starr, *History of the Cherokee Indians*, 183.

[70]The assistant chiefs who served the Cherokee Nation after the adoption of the constitution of 1839, are (as nearly as can be determined) as follows:

Joseph Vann .....September 9, 1839-June 26, 1840
Anderson Vann .....June 26, 1840-1843

With the admission of Oklahoma to the Union as the forty-sixth state, the work of the Cherokee government in Indian Territory was completed and one of the strongest and proudest of Indian Nations gave itself and its heritage to the formation of another American commonwealth.[71]

George Lowrey 1843-1851
Richard Taylor 1851-1855
John Spear 1855-1859
Joseph Vann 1859-1862

Civil War Period, 1862-1866

1] Union Cherokee
Thomas Pegg 1862-1863
Smith Christie 1863
Lewis Downing 1864-1866

2] Confederate Cherokee
John Spear
Samuel McDaniel Taylor

Joseph Vann 1867-1871
Robert Buffington Daniel 1871-January 16, 1872
James Vann ..... November 23, 1872-1875
David Rowe 1875-1879
William P. Adair 1879-October 21, 1880
Rabbit Bunch ..... 1880—November 5, 1887
Samuel Smith 1887-1891
Henry Chambers ..... November and December, 1891
Stephen Teehee ..... December 23, 1891-1895
George Washington Swimmer 1895-1903
David M. Faulkner ..... August 3, 1903-June 30, 1904

Starr, *History of the Cherokee Indians*, 264; Vinita *Daily Chieftain*, June 14, 1904.

[71]To terminate any unfinished business of the tribe, an Act of April 26, 1906 (34 *Statutes at Large*, 148) continued the tribal governments and retained the principal chiefs and governors then in office. Under provisions of this act W. C. Rogers continued in office to sign the deeds transferring the lands of the Cherokee Nation to the individual allottees. Upon his death on November 8, 1917 the President of the United States was authorized by this act to appoint Rogers' successor. The successive principal chiefs of the Cherokees in the new state appointed by the President are as follows:

A. B. Cunningham served from November 8 to 25, 1919.
Ed M. Frye served one day, June 23, 1923.
Richard B. Choate was appointed on October 15, 1925 to serve one day on or before December 31, 1925.
Charles J. Hunt served one day, December 27, 1928.
Oliver P. Brewer served one day, May 26, 1931.
William W. Hastings served one day, January 22, 1936.

William Zimmerman, Jr., Assistant Commissioner of Indian Affairs, *letter to the author*, August 3, 1937.

THE NORTHERN BOUNDARY OF OKLAHOMA

By J. Stanley Clark

The history of the northern boundary of Oklahoma is very closely associated with that of the Panhandle. After Missouri had been admitted into the Union as a state in 1820, the region north of 36° 30′ became known as the "Unorganized Territory." This vast region was chosen as a suitable one for Indian reservations.[1] Many tribes were removed into the region between 1825 and 1850.[2] For several years the people of those states bordering upon that region had been asking for a better form of government for the country beyond them.[3]

Numerous resolutions and petitions were brought to the attention of Congress, all urging the organization of the "Territory of the Platte" or the Nebraska country.[4]

Finally on Thursday, February 10, 1853, Mr. William A. Richardson, of Illinois, Chairman of the House Committee on Territories, presented for consideration the final form of a bill for the government of the proposed territory.[5] Mr. Howard of Texas opposed the measure because, by the Act of 1830, the Indians had been assured that their land would never be incorporated in any territory or state without their consent.[6] Another objection voiced against the proposed bill was that Nebraska would be too large if its southern boundary was set at 36° 30′, and it was suggested that the boundary be limited to 39° 30′.[7]

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[1]Jefferson had made that argument for the Louisiana purchase.

[2]Flora Seymour, *The Story of the Red Man*, 130-205.

[3]Roy Gittinger, "The Separation of Nebraska and Kansas from the Indian Territory," *Chronicles of Oklahoma*, I, 9-29.

[4]*Congressional Globe*, 32 Cong. 1 Sess., 80, 1160-61; 1760-61.

[5]*Ibid.*, 32 Cong., 2nd Sess., 556, House Bill No. 353.

[6]*Laws of the Colonial and State Governments relating to Indians and Indian Affairs*, 1633-1831 (Washington, 1852), Law of May 28, 1830.

[7]*Cong. Globe*, 32 *Cong.*, 2nd Sess., 556-558.

Mr. Hall, of Missouri, in reply said:

> "The reason why this bill fixes 36° 30′ as the southern boundary of Nebraska is, because the road from Missouri to New Mexico crosses the line of 36° 30′ and therefore you have to run down to that line to protect that great travel. That is the reason why the boundaries are so extensive."[8]

The bill passed the House, but failed because of Southern opposition in the Senate. The two senators from Texas, Thomas J. Rush and Sam Houston, led the opposition, because they were afraid that in the event of the organization of the territory, that some of the hostile Indians of the Plains' area would remove to Texas and cause trouble along the Texan frontier.[9]

In December of that year, on the first day that Congress met, Augustus C. Dodge of Iowa introduced a bill in the Senate that provided for the organization of the territory. John G. Miller of Missouri introduced a like bill in the House of Representatives a few days later.[10] This time they felt assured that speedy attention would be given to their legislation because interest in the region had been quickened by the great railroad projects that confronted Congress.

Stephen A. Douglas of Illinois was Chairman of the Senate Committee on Territories. After several revisions, the bill was finally reported from the committee with three amendments. One provided that the two territories be named Nebraska and Kansas; one changed the southern boundary from 36° 30′ to 37° and the other repealed the Missouri Compromise.[11] The House finally gave its final approval to the amended bill and the President signed it May 30, 1854.[12]

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[8]*Ibid.*, 560.
[9]*Ibid.*, 1113-1117.
[10]*Cong. Globe*, 33 Cong., 1st Sess., 44, 87.
[11]Gittinger, *op. cit.*, 26; cf. *Cong. Globe*, 33 Cong., 1st Sess.
[12]*Cong. Globe*, 33 Cong., 1st Sess., 1254, 1321.

Senator Douglas gave as the reason for changing the southern boundary of Kansas Territory that the attention of his committee had been called by the chairman of the committee on Indian Affairs, Mr. Sebastian, of Arkansas, to the fact that if the boundary were placed at 36° 30′ it would divide the Cherokee country; whereas by taking the parallel of 37° north latitude as the southern boundary, the line would run between the Cherokees and the Osages,[13] along the northern boundary of the Cherokee Nation set by treaties with the United States made in 1828 and 1833.[14] A map of Kansas and Nebraska, indorsed August 5, 1854, by George W. Manypenny, Commissioner of Indian Affairs, shows the thirty-seventh parallel as the boundary between the Osage and Cherokee reservations. The Committee on Territories thought the map was accurately drawn.[15]

Indian tribes located within the limits or jurisdiction of the territory of Kansas were in no way to become a part of the territory of Kansas until such tribes signified their assent to the President of the United States to be included within the territory.[16] Plans, however, were immediately furthered for the survey of the southern boundary proposed in the Kansas-Nebraska Act. Mr. Phelps, a Congressman from Missouri, introduced a bill in the Lower House that provided for the survey.[17] After being changed by amendment, it finally passed the House June 23, 1856, the Senate June 30, and was approved by the President on July 8th.[18] It read as follows:[19]

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[13]*Cong. Globe.*, 33rd Cong., 1st Sess., 221; Monday, Jan. 23, 1854.

[14] C. J. Kappler (ed.), *Indian Affairs, Laws and Treaties* (Washington, 1903), II, 289, 387.

[15]Geo. W. Martin, "The Boundary Lines of Kansas," *Kansas Hist. Coll.*, 60-61. "This parallel did not, however, form the dividing line between the Cherokee and Osage Nations; lands belonging to the former extended into Kansas approximately 2½ miles."

[16]10 *U. S. Stat. L.*, 284.

[17]*Cong. Globe*, 34 Cong., 1st Sess.

[18]*Ibid.*

[19] 11 *Stat. L.*, p. 27. "A supplementary act", approved Aug. 18, 1856 made an appropriation of $35,400 for the expense of surveying the line.

> "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the President of the United States is hereby authorized and directed to cause the southern boundary line of the territory of Kansas, between the state of Missouri and the territory of New Mexico, to be surveyed and distinctly marked, and a plat of said survey shall be deposited in the office of the Secretary of the Interior, and another plat of said survey shall be deposited in the office of the secretary of the territory of Kansas."

Lieut. Col. Joseph E. Johnston was placed in command of the surveying party sent to mark the boundary.[20] He had under his charge four companies of the First cavalry, and two companies of the Sixth infantry, with J. H. Clarke and Hugh Campbell, astronomers and J. E. Weysel, surveyor.[21] The troops were necessary to protect the surveying party from hostile Plains Indians. The party was directed to observe the land particularly to see if it would be suitable for a railroad right-of-way.[22]

On May 16, 1857, the command left Fort Leavenworth and reached the initial point for the beginning of the survey May 28. For the first two weeks, the expedition was hampered by rain and rising water.[23]

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[20]The journal kept by Johnston on this survey has been edited by Kyle H. Miller, "Surveying the Southern Boundary Line of Kansas," in *Kansas Historical Quarterly* (Topeka, 1931). I, (1931), 104-139. The footnotes and comments of Mr. Miller are especially instructive.

[21]*Ibid.*, 106.

[22]*House Executive Document*, 35 Cong., 1st Sess., No. 103. Letter of Colonel J. E. Johnston to Secretary of War John B. Floyd, February 13, 1858.

[23]Miller, *op. cit.*, 111n. A letter from the Neosho river, dated June 11, was published in the Lawrence *Herald of Freedom*, July 11. An excerpt mentions: This morning four companies of cavalry and one of infantry struck tents, and together with seventy-five wagons laden with supplies, took up their line of march westward, as military is wholly unneeded at this early stage.

. . . Every twenty-four hours we are favored with one or more heavy storms of wind and rain accompanied by thunder and lightning, and at this writing the Neosho is rising and rolling rapidly. At this point, owing to a sudden bend in the river, the line will run for a distance of three miles, directly thru the heavily timbered bottom, which being now covered by water is impassible; therefore a detention of several days must be endured.

The following entries are indicative of the general nature of Colonel Johnston's manuscript:[24]

> May 30th. Mr. Weysse commenced work on the line. Marked the initial point 5,770 ft. north of Mr. Clark's observation. The Missouri line is marked by blazing trees on a breadth of from ten to twenty feet, so that we had no mode of fixing the initial point accurately in reference to it.
>
> May 31st. Mr. Weysse commenced running and marking the Kansas line. The wood being thick and the ground broken, his progress was slow. About a mile and one monument.
>
> June 6th. Heavy rain in the morning. Mr. Clark moves his observatory to the W. side of the Neosho. Troops moved about 7½ miles to Tar Creek, to which the line was measured.
>
> June 7th. The troops encamped on Russell's Ck. about 4 miles from the ford of the Neosho near Mr. Clark. Mr. Weysse crossed Four Mile Creek, on which Mr. Kennerly made his camp.
>
> June 8th. The cavalry started at 10 A. M. for Camp Snow twenty miles W. where we have 800 bushels of corn. Mr. Weysse reached the Neosho too late, when it was rising rapidly and no longer fordable. Rained all night.
>
> June 9th. River still rising. Another rain at night.
>
> June 10th. Mr. Weysse's surveying party crossed the river in a canoe. Ran the line about ¾ mile in the bottom. On the 11th, reached Mr. Clark's station. On the 12th, Mr. C gave the meridian and the new tangent was established.

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[24]Miller, *op. cit.*, f. n. p. 110 mentions that more than one hundred wagons with their teamsters, and a thousand horses and mules accompanied the surveying party.

Formerly a cairn of stones six feet high stood at this State corner, but it was removed to make way for a road built on the State line. Charles N. Gould, *Travels through Oklahoma*, 9.

> The river was falling, but not fordable.
> June 15th. Mr. Kennerly crossed the river during the forenoon (including cutting a road) & went about 7 miles. Encamped in the prairie on a rainwater stream. Cap't Garnett moved to the same ground. Mr. Weysse made about 6 miles on the line, passing the 30th (mile). The line marked on this side of the Neosho, with a mound (conical) at the end of every mile; a stake in the center with the distance marked on its east face, & the letter K on the north. The mounds two feet high, except every sixth, which is four. The line today parallel to Russell's creek & from half to three quarters of a mile from it. The country gently undulating & soil rich black loam. Limestone showing itself occasionally. Wood showing itself two or three miles to the S. E. on the crest of the ridge beyond the creek. The wood of the creek terminates opposite to the camp. Heavy rain in the afternoon and night.

The pioneer party of about twenty travelled ahead of the group each day in order to observe the topography of the land as well as to be on the lookout for Indians. Although the primary purpose of the expedition was to survey the boundary line, it was also necessary to make a report upon the advisability of using the route for the construction of a railroad.[25]

Indians were passed at various times, but no trouble was had with any until on July 30th, when the surveying party was driven in to camp by two Kiowas. The account in Johnston's journal follows:[26]

> August 1st. Capt. Garnett's party arrived about 10. Mr. Weysse about 12. His account of the affair two days ago was that two Indians joined his party from the front, shook hands with everybody. Gave them to understand partly in Mexican, partly in English, that they had talked to me

[25] *House Ex. Doc.*, 35 Cong., 1st Sess., no. 103. Letter of Col. Johnston to Secretary of War Floyd, February 13, 1858.

[26] Miller, *op. cit.*, entry in journal on August 1, 1857.

& Capt. G. & that they were going then to find a broken-down horse I had given them. They accompanied the party for sometime, long enough to see who were armed, them took leave & went off to the rear. Soon rejoined, accompanying the party as before, watched their opportunity &, when the little wagon was hidden by a low ridge from the guard, shot the driver and drove off the vehicle at full speed, one riding one each side. The guard ran back, but when they reached the crest of the hill the Indians were at long gunshot. The soldiers, out of breath, fired without effect. After crossing the Cimarron, they cut the mules out of the harness, ransacked the wagon, cutting off some of the curtains & drove off the two mules. They had thrown the driver, LeClair, out, on stopping. He was probably dying, for when our men came out, his hand was grasping the singletree as if he had caught it in his fall and died instantly. . . . The trail of the Indians (2, each with a led mule) had been followed about 33 miles E. of N. They had, after riding 6 or 7 miles, mounted the mules; had evidently traveled all night & were on their way to the gathering of Indians in the vicinity of Fort Atkinson to receive their annual presents. Capt. D after becoming satisfied on this point, turned back, according to instructions. Poor Le Clair was probably killed with a gun & ammunition just presented to the savage by the strange policy of the Indian Department."[27]

At another time "30 or 40 Kiowas, a few women among them, spent the morning in camp trading buffalo robes, moccasins and lariats. The spokesman of yesterday, who seemed to (be) the old chief's staff officer, was so grieved to see us going, that he thought nothing but whiskey could revive his drooping spirits."[28]

Buffalo were sighted numerous time on the journey, and hunts were organized to provide food for the camp. Two men of Lieut.

[27]In 1849 the newly created Department of the Interior took over the administration of Indian Affairs, much to the disgust of army men.

[28]Miller, *op. cit.*, 131.

Col. Johnston's command died during the trip westward, and a "teamster was dangerously wounded with a butcher knife and picket maul by another."[29]

Final calculations on the line were made September 10. During the later part of the survey, Mr. Waysse worked under the protection of two companies of infantry.[30] They were going through a country, described by Dr. James in 1820 as having grown less pleasant, less abundantly supplied with grain and less fertile with every mile of that march.[31] Josiah Gregg described this region as being uninhabitable, "not so much for want of wood (though the plains are altogether naked), as of soil and of water; for though some of the plains appear of sufficiently fertile soil, they are mostly of a sterile character, and all too dry to be cultivated." There was no hope for this vast area, thought Gregg, save "some favorable mutation should be wrought in nature's operations to revive the plains and upland prairies." "These steppes," he said, "seem only fitted for the haunts of the mustang, the buffalo, the antelope, and their migratory lord, the Prairie Indian."[32] The region was still referred to as a vast desert in 1858.[33]

From the initial point on the Missouri boundary, found from astronomical observation to be in longitude 94° 40′ 26.3″ to the New Mexico boundary on the 103° meridian was found to be 462 miles and 1001 feet, the corner stone being established near the source of Willow Creek, a small tributary of the Cimarron.[34]

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[29]*Ibid.*

[30]*Ibid.*

[31]Edwin James, "Account of an Expedition from Pittsburgh to the Rocky Mts." Thwaites, *Early Western Travels*, XV, 193-200. James was the chronicler of the Stephen H. Long Expedition.

[32]Josiah Gregg, "Commerce of the Prairies," in Thwaites, *op. cit.*, XX, 24.

[33]John B. Beall, *In Barracks and Field*, 211. Mr. Beall's entry in his diary on August 8, 1857 reads: "Late in the evening in a desolate spot among the sandhills, near the northern extremity of the American Desert, we encamped. Company I had a few kegs of water in the wagon—enough to make a cup of coffee for each man. Men were sent out to look for water, and about a half mile from encampment there was found in a depression a shallow pond in which countless tadpoles sported. Some of the companies, where officers had not had the foresight to provide water in kegs, obtained here a scant supply for coffee."

[34]Beall, *op cit.*, 216. John B. Beall was a young Georgian who had recently enlisted. He kept a diary of his experiences on this expedition.

Kansas was admitted to the Union on January 29, 1861, with its present boundaries.[35] The boundary that touches Oklahoma was described as follows:

> "Beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the twenty-fifth meridian of longitude west from Washington. . ."

The part of Kansas Territory west of the 25th Washington meridian detached by this act was made a part of the Territory of Colorado thirty days later.[36]

When the southern boundary of Kansas was thus established, complaints from the Cherokees reached the Secretary of the Interior to the effect that the meridian of 37° north latitude was not the true boundary of the Cherokee Nation, and they desired that some provision should be made to correct the mistake. It was suggested that the boundaries of Kansas be so modified as to make her southern line coincident with the northern boundary of the Cherokee land.[37]

Nothing came of this suggestion until after the Civil War, when the United States agreed to survey, at its own expense, and mark by conspicuous and permanent monuments the boundary line as far west as the Arkansas river.[38] A commissioner from the Cherokee Nation as well as one from the United States, was to approve the survey.

Nothing definite was done in pursuance of this provision until the year 1871, when W. G. Gallagher was appointed as commissioner on behalf of the United States to cooperate with the commissioners on the part of the Cherokees. Mr. Gallagher declined

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[35] 12 *Stat. L.*, 126.
[36] 12 *Stat., L.*, 172.
[37] "Annual Report of the Secretary of Interior for Year 1860," *Report of Indian Affairs*, 6.
[38] Kappler, *op. cit.*, II, 730, "Treaty with Cherokees," 1866, Art. 21.

and R. G. Corwin was substituted in his stead; but he having also refused to serve, the place was finally filled by the appointment of James M. Ashley.[39] The Cherokee National Council on their part selected John Lynch Adair.[40]

After Daniel P. Mitchell, contract surveyor, had completed the running of the eastern Cherokee boundary line, he began work on the northern boundary.[41] He commenced the survey on October 13, 1871, at the east bank of the Neosho river on 37° of longitude and surveyed that line to the left bank of the Arkansas river, completing the task October 23, 1871.[42] The distance was found to be 105 miles, 60 chains and 75 links in length. Mr. Mitchell's entry for the first day follows:

> October 13th 1871 I began work on this line.
>
> In order to find the precise point of beginning according to my instructions, I went to the east bank of the Neosho river where a large mound indicates the south boundary of the state of Kansas at that point and traced said south boundary east one mile, and found it well marked with closings of the subdivisional lines from the Kansas side of the line. Thus finding the line to correspond with this, I retraced the line to the mound on the East bank of the Neosho River. Thence I ran West with Burt's improved solar compass. Variation of the needle 10° East.

Chains:	Links	
1	50	To east of left bank of Neosho River 250 lks wide (by actual measurement) course S. W.
7	60	To a point suitable for a permanent mon-

[39]Royce, Charles C., *op. cit.*, 365. Mr. Gallagher appointed February 27, 1871; Mr. Corwin, April 14, 1871; and Mr. Ashley, May 4, 1871.

[40]*Ibid.*, 365.

[41]*Mitchell Survey Notes*, "C. Delano, Sec'y of Int. to T. W. Walker, Com. Ind. Affairs, Jan. 18, 1872."

[42]One copy of these field notes was sent to the Secretary of the Interior and one to Tahlequah, Cherokee Capital. This copy with plat and numerous letters concerning the survey in now in the Phillips' Collection.

ument, where I planted a sandstone two feet at the base, five and one half-feet long, and fifteen inch face at the top, two-thirds in the ground. Marked on the East "Lat. 37°" on the north "K", on the south "C. N." from which an Elm 6 in. in diameter was N 49° E 66 links; Box Elder 14 in. dia. was N 69° W 100 lks; Maple 24 in. dia. was S 69° E 77 lks; Box Elder 6 in. dia. was S 42° W 15 lks. From which I ran West. Va. of needle 10″ E.

23 35 Hickory 15 in. dia.

50 00 Enter enclosed woodland near S. E. corner of fence.

75 80 Leave enclosure N & S.

77 30 A Hickory 16 in. dia.

80 00 Planted a sandstone 10x8x3 one foot deep with letter "A" marked on the upper side upon which I set a Black Walnut post four in. face, for a one mile post, which I marked on the west "I. M." on the north "K," on the south "C"; at the four cardinal points from this post (which is six feet high) at about 8 feet from the base, I sunk four pits three feet square and two feet deep and threw the earth around the post which made a mound (while the earth is unsettled) 8 feet at the base and four feet high from which

A Hickory 10 in. dia. was N 8° E 32 lks.
" " 20 " " " N 48° 50′ W 22 lks
" " 20 " " " S 24° E 88lks.
" " 18 " " " S 54° W 32lks.

I marked all the bearing trees on north of line "K" in the upper blaze and "B. T." in the lower blaze, and all south of the line with "C" in the upper blaze and "B.T." in the lower blaze.

> Land Neosho bottom—soil 1st rate. Timber Hickory, Hackberry, Walnut, Elm, and Oak.[43]

This survey was approved by the commissioners December 11, 1871.[44] It was found that the amount of the "Cherokee Strip" or land north of 37° longitude that rightfully belonged to the Cherokees embraced an area of 434,679.36 acres.[45]

By article seventeen of the Treaty of 1866, the Cherokees had agreed to cede, in trust to the United States, such portion of their grant that was in the state of Kansas.[46] This land was to be sold for the benefit of the Cherokees. By February, 1879, 156,848.47 acres had been disposed of, leaving an unsold balance of 277,830.89 acres to be sold under Congressional Act of February 28, 1877,[47] which was approved by the Cherokee National Council December 1, 1877, should be disposed of to settlers at not less than $1.25 per acre and that[48] "all of said lands remaining unsold after one year from the date at which they are to be offered for sale at the local land offices, shall be sold by the Secretary of the Interior for cash, in quantities or tracts not exceeding one hundred and sixty acres, at not less than one dollar per acre." The proceeds of the land sale were to be placed in the Treasury of the United States, subject to the order of the Council of the Cherokee Nation.[49] Land offices for the sale were opened at Larned, Kansas, July 14, 1879; at Wichita and Independence, August 13, 1879.[50]

After the Civil War, it was ascertained that part of the Quapaw reservation extended about one-half mile up into Kansas. The Quapaws ceded this land, amounting to about twelve sections, to

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[43]Field notes of Mitchell Survey.
[44]Letter of commissioners to the Secretary of the Interior Delano.
[45]Letter of Cherokee Delegates, Wm. P. Adair and Dan'l H. Ross, July 8, 1879, Phillips' Collection.
[46]Kappler, *op. cit.*, II, 729.
[47]44 Cong., II Session, Ch. 75, p. 265.
[48]Adair and Ross letter of July 8, 1879, *op. cit.*
[49]*Ibid.*
[50]Adair and Ross letter, *op. cit.*, 2.

the United States. They received one dollar and twenty-five cents per acre for the tract.[51]

No other disputes have caused an alteration of the boundary line, set at 37° longitude. However, from the 166th mile to the 266th mile, this line was resurveyed in 1872, and from the 207th mile to the 268th mile in 1873 by the General Land Office.[52]

The story of the panhandle of Oklahoma, old Beaver County, is encompassed in that of empires and republics. The Treaty of 1819 excluded it from the Louisiana Purchase; consequently its history lies outside the United States until Texas was admitted as a state in 1845.[53]

The Missouri Enabling Act of March 6, 1820 had extended the line prohibiting slavery north of 36° 30′ from the southwestern corner of the newly created state of Missouri westward to the Spanish country.[54] This line cut across the possessions of the state of Texas. The slave state of Texas had no desire to hold land north of that line, notwithstanding its exclusion from the Louisiana Purchase. Texas was willing to surrender her claims to any territory north of 36° 30′, and was making plans to do so, when a dispute arose with the department of New Mexico, concerning the boundaries of the Texan un-organized counties of El Paso, Worth, Presidio, and Santa Fe, situated in its western and northwestern limits. The legislature of Texas was called together by her governor for the purpose of maintaining her claim to the disputed territory, by force, if necessary.[55]

President Fillmore asserted that Texas could not possibly confer any authority which could be lawfully exercised beyond her

[51]Kappler, "Treaty with Seneca, Quapaw, etc.," 1867, *Indian Laws and Treaties*, II, 741. Cf. C. C. Royce, "*In Indian Land Cessions*," 18*th Report, Bureau of American Ethnology*, 1896-97, 844-845.

[52]Edward M. Douglas, "*Boundaries, Areas, Etc. of U. S.*," 215.

[53]M. L. Wardell, "Southwest's History Written in Oklahoma's Boundary Story," *Chron. of Okla.*, V. 13, (Sept., 1927), 294.

[54]*3 U. S. Stat. at L.*, 548.

[55]James D. Richardson, (Ed.), *A Compilation of Messages and Papers of the Presidents*, VI; Millard Fillmore, "To the Senate and House of Representatives," August 1850; 2603.

own boundaries.[56] To settle the disputed boundary, Senator Benton, of Missouri, introduced a bill early in the first session of the Thirty-first Congress to retire the western limit of Texas to the parallel of 102° west longitude, and the northern boundary "from the frozen region of 42° to the genial clime of 34°," two and one-half degrees south of the Missouri Compromise line.[57] On the same day, Senator Foote, of Mississippi, introduced an omnibus bill, one part of which provided that another state should be carved out of Texas.[58] Other proposals followed, and finally Senator Pearce presented a bill for the establishment of the northern and western boundary of the state, and the relinquishment of Texas of the territory claimed by her exterior to the limits. It provided that the boundary on the north should begin where meridian of 100° west is intersected by the parallel of 36° 30′ north latitude, and run along it to the 103rd meridian, thence south to the 32nd parallel and along that parallel to the Rio Bravo. In consideration of the reduction of boundaries, the cession of territory, and the relinquishment of claim, Texas was to receive ten million dollars.[59] "Better to have the boundary run by gold than by steel; by money rather than blood," commented Senator Withrop, of Massachusetts.[60] The President in his annual message called attention to the gravity of the boundary problem.[61]

The threatened crisis was averted by Congressional action, September 9, 1850, when the Senator Pierce bill passed.[62] Meantime, the Texas legislature of November 25, 1850 approved the Congressional Act of September 9, accepting every concession, with the indemnity of $10,000,000,[63] so by proclamation, on December 13,

[56]*Ibid.*, 2605.
[57]*Cong. Globe*, 31st Congress, 1st Sess., 168.
[58]*Ibid.*, 31st Congress, 1st Sess., 168. Cf. W. J. Spillman, "Adjustment of Texas Boundary in 1850," *Texas Hist. Quart.*, VII, (Jan. 1904, 177-195. Marcus Baker, "The Northwest Boundary of Texas," *U. S. Geol. Survey Bulletin*, No. 194.
[59]*Cong. Globe*, 31st Cong., 1st Sess., 1555.
[60]*Ibid.*, Appendix, 1560.
[61]Richardson (ed.), *op. cit.*, VI, Millard Fillmore to Congress; "First Annual Message," Dec. 2, 1850, 2628.
[62]*U. S. Stat. L.*, IX, 446, "Texas and New Mexico Act."
[63]*Ibid.*

1850, President Fillmore officially and definitely settled the northern boundary of the Texan Panhandle on the parallel of 36° 30′ north latitude.[64]

By the above act, land north of 36° 30′ became public domain.[65] Colorado was organized as a territory on February 28, 1861[66] with the same boundaries as at present and on August 1, 1876 was admitted as a state. Its southern boundary is the 37th parallel of north latitude. Colorado borders Oklahoma from the point where the 37th parallel crosses the 25th degree of longitude west from Washington to the 103rd meridian. This line was first surveyed by the party under the command of Lieut. Col. Johnston.[67] A monument called the terminal monument was set on the spot that chaining indicated was the intersection of the 103rd meridian with the 37th parallel.[68]

Captain J. N. McComb in the summer of 1859 conducted an exploring party from Santa Fe, New Mexico, to the junction of the Grand and Greene rivers. On his return he went to the Southwest corner of Kansas, (then at 103rd meridian) and erected a monument, which has since been designated by his name, two and one-quarter miles east of the Johnston terminal.[69] The McComb monument was of cobble-stone, 8 feet at the base, conical shaped, 5 feet high and 2½ feet across the top.[70]

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[64]Richardson (ed.), *op. cit.*, "Millard Fillmore, Proclamation," VI, 2643-45.
[65]Thomas Donaldson., *Public Domain*, 462; 1187.
[66]*12 State. L.* 172.
[67]Miller, *op. cit.*, 131.
[68]Baker, *op. cit.*, 194, 22.
194, 22.
[69]*Senate Document*, 89, 58 Cong., 3rd Sess., "Letter of December 3, 1904." McComb established the monument at a point 11,582 feet east of the Johnson monument because of errors made in Colonel Johnston's determination.
[70]On July 19, 1868, Mr. Ehud H. Darling who had contracted to survey from that point westward along the 37th meridian, set a stone 30x10x8 imbedded 20″ in the McComb monument, 10″ projecting; engraved on S. E. "Ind. T." on the southwest "N. M." on the northwest "Col. T." on the northeast "1868" and "103" W. L." —*Senate Document*, 89, 58 Cong., 3rd Sess.

In 1872, Mr. J. J. Major set a terminal monument to mark the corner of Kansas-Colorado-Indian Territory. Of this terminal monument he says:[71]

> "Made excavation and deposited can, bottle, bones and stakes, and broken flagpoles. Planted a white pine, seasoned, sawed pine post 8 feet long, 8 inches square, deeply and legibly marked on the north 25 L; on the south 207 M; 26 chains; on the east K; on the west C. Built mound with four pits to the cardinal points."

In 1874, Mr. Major surveyed and marked at every mile the thirty-seventh parallel from the above monument westward to the Johnston monument. At a distance of 55 miles, 22½ chains, he reached the McComb monument and 2¼ miles further the Johnston monument which he found to be:[72]

> "A large earth mound 12 feet at base and 3 feet high, sodded, with several stones about it. . . Dimensions of capstone, 18x13x15, marked K, 103 L. N.M., with black paint, nearly obliterated 18 more recently cut into the stone; situated on a high table-land; new description N.M., 103 L., 1874, on opposite sides."

The Darling survey was considered the official line forming the southern boundary of Colorado, but when a question concerning its accuracy arose, Congress intervened. Congress has the power to fix or alter boundaries between territories, but after a boundary line of a state has been solemnly declared by its enabling act, it appears that the Supreme Court is the only branch of the Government which has power to determine controversies thereon.[73] Notwithstanding that fact, and regardless of Colorado's prerogative as a state to ignore Congressional action, legislation was passed:[74]

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[71]Quoted in Baker, *op. cit.*, 26.

[72]Baker, *Passim.*

[73]143 *U. S.*, 621. "United States vs. Texas."

[74]32 *Stat. L.*, pt. 1, 57 Cong., P. 574; 552. $31,500 were appropriated for surve. 33 *Stat. L.*, pt. 1, 58 Cong., p. 410. $993.89 additional was appropriated for survey of September-October, 1903.

> "For the resurvey and re-establishment, on the line of the thirty-seventh parallel of north latitude, of the boundary line between the State of Colorado and the Territories of New Mexico and Oklahoma, which is coincident with said parallel between the twenty-fifth and thirty-second degrees of west longitude from Washington. . . ."

This survey was executed by H. B. Carpenter in 1902-3.[75] Mile corners were established and marked by durable iron pipes 4 feet long, with flanges at the bottom, set 2 feet in the ground and surmounted by a brass cap with suitable markings thereon to indicate their location.[76] This line established by Mr. Carpenter passed through "several towns lying wholly within the state of Colorado, according to the supposed boundary, as originally surveyed, and along the entire line there is a material and, in many places, excessive variance between the lines of the two surveys."[77] The variation was found to be as much as one-half mile north and south of the re-established line.

Complications arose in regard to the status of people who lived within the limits of the two surveys and they were desirous of knowing whether they were residents of the State of Colorado or had been placed under Territorial jurisdiction.[78] The representatives in Congress from Colorado were divided upon the point. Finally, Congress passed Senate Resolution 78 that provided for the acceptance of the Carpenter survey as the official boundary-line.[79]

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[75]58 *Cong.*, 3*rd Sess.*, *Sen. Doc.* 89. The work was commenced in September, 1902 and completed in October, 1903.

[76]29 *Stat. L.*, 413, 54th Cong., 1st Sess., ch. 420.

[77]*Sen. Doc.* 89, *op. cit.*, "Letter of Secretary of Interior Hitchcock to President Roosevelt, Jan. 7, 1905."

[78]*Ibid.*, "James Cowie, Secretary of State to E. A. Hitchcock, Secretary of Interior, July 11, 1904."

[79]*Cong. Record*, 60th Cong., 2nd Sess., Dec. 19, 1908; 440, Dec. 12, 1908; February 13, 1909. *Cong. Record*, 59th Cong., 3rd Sess., Jan. 10, 1905; 632; 668.

This resolution did not meet with the approval of President Roosevelt, so he returned it to the Senate, December 19, 1908.[80] As a result, the Darling survey remained the official boundary. This decision was upheld by the Supreme Court in 1925,[81] so a resurvey was made of the Darling line, 1927-30, and marked as the permanent boundary.

A short boundary between New Mexico and Oklahoma is known as the Cimarron meridian. It was established in 1881 by Messrs. Chaney and Smith, U. S. Surveyors, by their own independent determination of latitude and longitude. Their work seems to have been done with commendable accuracy although their establishment of the point of intersection of the 37th parallel with the 103rd meridian was later moved 14.11 chains further south. This corner is in latitude 37° 00′ .645″, being practically correct and the longtitude is about one-tenth mile too far west. The south end of the meridian is 2 miles 14.65 chains east and 5.47 chains north of the northwest corner of Texas.[82] A faulty survey of the New Mexico-Texas boundary caused the discrepancy.[83]

By the proclamation on December 13, 1850, President Fillmore officially and definitely settled the northern boundary of the Texan Panhandle on the line of 36° 30′[84] Eight years later, provision was made for running and marking the line.[85] John H. Clark contracted to make the survey, as well as to run the boundary line between Texas and the Territory of New Mexico, and mark the 100th meridian. He had accompanied Lieut. Col. Johnston's expedition along the 37th parallel in 1857, serving as astronomer.

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[80]This veto written for Pres. Roosevelt by his Attorney-General mentioned the inadvisability of taking 5 post offices, land, and inhabitants from a State and thereby leaving the region liable to lawlessness.

[81]267 *U. S.*, 41.

[82]P. M. Baldwin, "Boundaries of New Mexico," *New Mexico Hist.* Rev., V. 2, (April 1, 1930.) The Cimarron meridian is 34 miles, 42 chains and 24 links long.

[83]J. Evetts Haley, *XIT Ranch*, 72-73.

[84]*Supra.*

[85]*U. S. Stat. L.*, XI, 310.

He arrived at Rabbit Ear Creek the third of August, 1859 and proceeded at once to establish the corner of the boundary at the juncture of the parallel of 36° 30′ and the 103rd meridian.[86] Mr. Clark had been advised not to work in that region during the winter because "he would be subjected to the rigors of the climate in a region well known to be barren and desolate in the extreme, with little grass for the subsistence of the animals (for the transportation of a sufficiency of corn would be almost impossible) with water of a gypseous and deleterious character, and with little fuel."[87] Apparently he heeded the warning of the Secretary of the Interior, for he proceeded to run the line along the 193rd meridian south, and did not return to the 36° 30′ parallel until the next season.

Mr. Clark's party reached the point of the intersection of the 36° 30′ parallel with the 100th meridian June 8, 1860. He prolonged the meridian to the 37th parallel to see how it compared with the point established on that line in 1857, and found that the point on the Kansas line was about 1700 feet west of that on the line forming the boundary between Indian Territory and Texas. The surveying party began tracing the 36° 30′ parallel westward on June 20, 1860 and advanced but a short distance when great difficulty was experienced from want of water. At one time, eighty-seven miles were surveyed by the party without water, so finally Mr. Clark marched the surveyors to the other end of the line (103rd meridian) and completed the survey by running the line back to the last monument established.[88]

The Clark party constructed fifteen monuments upon the parallel, finishing the survey July 12, 1860. Mr. Clark thought that the monuments would endure the "wear of time, wild animals and wild Indians as well as any monuments ever constructed

[86]*Senate Document*, N. 70, 47 Cong., 1st Sess.

[87]*Ibid.*, 5. It was at Rabbit Ear Creek that the surveying party met the only band of wild Indians during their operations. About 60 Comanches appeared, begging, but when told they could not be fed and replying "If you cannot feed us, feed our captains," and tried to approach closer, they were threatened and driven away.

[88]*Ibid.*, 16.

in the United States to mark boundary lines," —and that some of them perhaps would "remain on the earth's surface to a distant future."[89] This location of the north boundary of Texas was confirmed by Congress and the State of Texas in 1891.[90]

The line marked by the Clark monuments is the true southern boundary of the Oklahoma Panhandle, although it is now known that it is not exactly on the 36° 30′ parallel of latitude. During the latter part of 1931, a government surveying party, under the direction of Arthur D. Kidder and Hugh B. Crawford identified the Clark survey of 1860 and surveyed the actual line of 36° 30′. They found the latter named line to begin about 300 feet south of the present marker on the New Mexico state line, and from there that it makes a latitudinal curve to the northeast corner of the Texas Panhandle, where it crosses the Clark line by a few yards.[91]

About 5000 acres of land lies between the Texas-Oklahoma boundary line and the true line of 36° 30′, but the boundary line will not be readjusted, although some of the property owners in the strip affected have been afraid to pay taxes to Texas lest later on they would have to pay taxes to Oklahoma. That opinion has arisen because property owners out there have been under the impression that the Kidder-Crawford survey was made to correct the Clark survey.[92]

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[89]*Senate Document*, No. 70, 17, "Letter to J. M. Edmonds, Land Com. Oct. 14, 1860, from John H. Clark."

[90]26 *Stat. L.*, 948.

[91]"Oklahoma and Texas Panhandle Boundary line to be Re-established," *Panhandle Herald*, November 12, 1931, C. F.; "Boundary Changes on Panhandle" *Texhoma Times*, November 19, 1931.

[92]Letter from Assistant Com., Gen'l Land Office, July 22, 1937. Also of Carl Mayfield, Guymon, July 24; also letter of I. D. Divine, Texhoma, July 24.

HOW THE CHEROKEES ACQUIRED AND DISPOSED OF THE OUTLET

By Berlin B. Chapman

Part Three—The Fairchild Failure

Parts One and Two of this study dealt with the acquisition of the Outlet by the Cherokees, the settlement of Indian tribes in the eastern end of the Outlet, and the lucrative business of leasing the remainder of the lands to cattlemen. Part Three[102] is an account of a serious effort of the United States to acquire the Cherokee title to lands in the Outlet. It is the story of a commission under a vigorous leader, who in 1889 was the victim of an impossible situation.

Section Fourteen of the Indian appropriation act of March 2, 1889, provided for the appointment of the Cherokee Commission to negotiate with the Cherokees and other Indians owning or claiming lands west of the ninety-sixth meridian in the Indian Territory, for the complete cession of their lands to the United States.[103] The Commission was authorized to offer the Cherokees

[102] Part Three of this study in the main was prepared a few years ago in a seminar conducted by Professor F. L. Paxson in the University of Wisconsin. To Professor Paxson I am deeply indebted for helpful suggestions.

[103] Section Fourteen deserves careful examination because of the construction insisted upon by the Cherokees. It reads: "The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session and to the council or councils of the nation or nations, tribe or tribes, agreeing to the same for ratification, and for this purpose the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to be immediately available: *Provided*, That said Commission is further authorized to submit to the Cherokee nation the proposition that said nation shall cede to the United States in the manner and with the effect aforesaid, all the rights of said nation in said lands upon the same terms as to payment as is provided in the agreement made with the Creek Indians of date January nineteenth, eighteen hundred and eighty-nine, and ratified by the present Congress; and if said Cherokee nation shall accept, and by act of its legislative authority

the same terms of payment as existed in the agreement made with the Creeks on January 19, a price estimated at one dollar and a quarter an acre.[104] A partial reason for such a commission was attributed to a statement made by Joel Bryan Mayes, Principal Chief of the Cherokees on February 13 before the Senate Committee on Territories, regarding consultation with the Cherokees.[105]

The Cherokees vigorously contended that by the language of the act the commission could present to them two propositions, between which they drew sharp distinction. They said that the first proposition was in the body of Section Fourteen, that it fixed no limit to the price, and that it provided that such agreement as might result from negotiations should be submitted to Congress for ratification, and also to the Cherokee National Council. The second proposition they saw in the proviso stating that the Commission was further authorized to make an offer of one dollar and a quarter an acre for the lands. In their view this proposition had no provision in it for ratification by Congress, and even if an

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duly passed, ratify the same, the said lands shall thereupon become a part of the public domain for the purpose of such disposition as is herein provided, and the President is authorized as soon thereafter as he may deem advisable, by proclamation, [to] open said lands to settlement in the same manner and to the same effect, as in this act provided concerning the lands acquired from said Creek Indians, but until said lands are opened for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto." Act of March 2, 1889, 25 *Statutes*, 1005.

104 Morgan to Sec. Int., March 4, 1890, *S. Ex. Docs.*, 51 Cong. 2 sess., i(2818), no. 64, p. 16.

105 The statement made on February 13, 1889 is in *S. Misc. Docs.*, 50 Cong. 2 sess., ii(2615), no. 80, pp. 19-25. The Committee was considering House Bill 10, 614 regarding the organization of the Territory of Oklahoma, and the Cherokees were opposing the extension of territorial jurisdiction over any part of their country. Mayes said that if the government wanted to buy the Cherokee country west of the Arkansas, or to do anything with it, the Cherokees ought to be consulted. He said that if the lands were to be sold "we want something to say about the price", that "if there is any price fixed on our land, we must fix it", and he asked that a committee be sent "down there and tell our people what you want." Mayes said that if the $200,000 annual revenue received from the Cherokee Strip Live Stock Association were cut off the Cherokees would suffer for it, would have to stop their schools, and he added: "We do not want to sell the land now, I can tell you that." When Senator Matthew C. Butler of South Carolina intimated that a bargain might be made by force, the Chief said: "Well, if it comes to that, of course I shall give up. We are not able to fight you. If we were we would not let you take the land." The Cherokee Commission were not the only officers of the government quite willing to twist and stress the statement.

appropriation should be afterwards made by that body to pay them for the lands, no agreement entered into would be of any binding force, save and except the sale of the lands. They held that this proposition admitted of no negotiations on any other subject, authorized none, and provided by law that, upon its acceptance by the National Council, the lands should "thereupon become a part of the public domain."

It is certain that Orville H. Platt, Chairman of the Senate Committee on Territories, understood such language as is used in the act to mean that if the Cherokees did not accept the offer of one dollar and a quarter an acre, the Commission was empowered "to go right on and endeavor to make another bargain," and that such agreement should be submitted to Congress for ratification.[106] D. W. Bushyhead claimed that Senator Henry L. Dawes said to him on March 3 that "the provisions of the bill were, as Senator Platt stated, one unlimited as to price and the other upon the terms of the Creek cession."[107] Dawes was the chief manager on the part of the Senate in the committee of conference which added the proviso.[108] The next year he explained that there were two propositions. One was to give the Cherokees a dollar and a quarter an acre if they would take it, which proposition, he said, carried an appropriation to pay them down. The other proposition was,

[106] See his explanation of March 2, 1889, *Cong. Record*, 50 Cong. 2 sess., pp. 2607-2608; cf. the language of the amendment on p. 2609 with Section Fourteen of the act.

[107] The statement made by Bushyhead December 9, 1889, is in *The Correspondence of* 1889 *Between the United States Commission and Cherokee National Authorities, and a Cherokee Memorial* as to the cession of the Cherokee country west of the ninety-sixth meridian. The booklet contains 127 pages and was published in 1890 by direction of the Cherokees; there is a copy in O. I. A., *Misc. Documents*, p. 20374 seq. The memorial, listed under date of March, 1890, was signed by John L. Adair and D. W. Bushyhead and addressed to the People of the United States and Congress. It stated that the Cherokees had been informed that a misapprehension existed in the minds of some, who might otherwise be kind and generous in their opinion toward them, that they had been, in the recent negotiations for a cession of the lands, indisposed to treat the propositions of the United States with due respect, or the persons of its Commission with proper courtesy. This was the reason given, "in the absence of the presentation of the record" by the Commission, for the printing of the correspondence. Although this is usually the quickest source to find a letter in the correspondence, other sources also will be cited below as a matter of more careful research.

[108] *Cong. Record, loc cit.*, pp. 2633-2634.

if they declined to take that, to enter into a negotiation with them for what they would take and report back to Congress.[109]

According to a report in a newspaper, Mayes from the first did not contemplate a sale of lands in the Outlet to the Government, but looked rather to the cattlemen for revenue from the lands. After he delivered a speech before a meeting of the Cherokee Strip Live Stock Association in March, 1889, an opportunity was given all those desiring to ask him questions. Among the questions asked was his opinion in regard to the Cherokee Commission, to which he replied: "That will amount to nothing. All they will do is to come down here and have a good time. We will not sell for $1.25 per acre."[110] He said that if soldiers attempted to remove the cattlemen, an injunction would be served upon them. As for the "Boomers," he said: "We will take care of the 'Boomers.' You stay with us and we will stay with you."

Meanwhile the Cherokees were not deaf to offers of cattlemen who had made the lands in the Outlet of great value to them. On August 24 Willard Mason, a lawyer, who, as he said, was living on the border of the Outlet and acquainted with the situation, wrote to Secretary John W. Noble: "If you would order the Cherokee Strip to be cleared of settlers and cattle by November 1st 1889, doubtless the Cherokee authorities would be willing to accept the offer of the commissioners. This action would work

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[109] *Cong. Record* (Feb. 11, 1890), 51 Cong. 1 sess., p. 1197.

On the same day Senator James K. Jones of Arkansas said: "I do not believe that the commission had any authority to offer anything more than one dollar and a quarter an acre. The provision authorizing the negotiation was supplemented by a provision that they might offer the same terms that were offered to the Cherokees [Creeks] and Seminoles for the land which the United States had bought from them. I do not believe their authority extended beyond that at all." *Ibid.*, p. 1198.

It is a general rule that the meaning and legislative purpose in the body of a section of an act can not be nullified or stricken out by a proviso unless the body and the proviso are mutually destructive or so contradictory that they can not be reconciled in a reasonable way. The two are reconcilable in the section in question.

[110] *Fort Worth Daily Gazette*, March 20, 1889; Act. Com. Belt to Sec. Interior Oct. 1, 1889, O. I. A., *L. Letter Book* 189, p. 461.

no injury to the Cattle interest, as it gives ample time to remove to winter quarters."[111]

In the summer of 1889 the Cherokee Commission was instructed[112] that if the Cherokee authorities rejected the proposition of one dollar and a quarter an acre, or an offer of $7,489,718.73 in addition[113] to sums chargeable against the lands, they should "then proceed to negotiate for the extinguishment of the claim of the Cherokee nation to all lands lying west of the Arkansas River, upon such terms as may be just and equitable," taking into consideration the appraisement, the claims or rights of other Indians to portions of the Outlet, the lands set apart for the Chilocco Industrial School, the several amounts chargeable against the lands, and the validity of the Cherokee title. A map compiled under the direction of Commissioner Oberly in the same year and used to illustrate the compilation and instructions transmitted to the Commission, showed the Cherokee lands west of ninety-six degrees as part of the "lands originally ceded to the Cherokees."[114]

The Commission was instructed that so far as the Cherokees were concerned the lands occupied by the Osages and Kaws were

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111 Mason to Noble, Aug. 24, 1889, O. I. A., L. 24151 — 1889.

112 On May 9, 1889, Commissioner Oberly transmitted to the Secretary of the Interior for the guidance of the Cherokee Commission a compilation made in the Indian Office concerning the legal status of the lands in Indian Territory, to which was appended certain "Instructions and Suggestions." The document is in the Indian Office, *L. Letter Book* 184, pp. 165-258; also in O. I. A., *Misc. Documents*, pp. 43496-43541. On July 6 printed copies were sent by Noble direct to members of the Commission. O. I. A., *Record of Letters Sent*, No. 60, p. 348. The compilation, or about five-sixths of the document, was transmitted by Noble to the Senate March 12, 1890, and is printed in *S. Ex. Docs.*, 51 Cong. 1 sess., ix(2686), no. 78. It is a brief and valuable history of the lands to 1889. In view of pending negotiations with the Indians, Noble deemed it incompatible with the public interest to make public the instructions. Noble to President of Senate, Dec. 21, 1889, *H. Reports*, 52 Cong. 1 sess., vii(3048), no. 1661, p. 9.

113 Cherokee Commission to the President, Jan. 9, 1892, *S. Ex. Docs.*, 52 Cong. 1 sess., v(2900), no. 56, pp. 11-12.

It will be observed that the appropriations of 1880, 1881, and 1883 totaled $648,389.46. In 1888 and 1889 a total of $80,000 was appropriated for the benefit of certain freedmen, Delawares, and Shawnees who had been deprived by the Cherokee Legislature of sharing in the appropriation of March 3, 1883. See 25 *Statutes*, 609; 994. See also *S. Ex. Docs.*, 48 Cong. 1 sess., v(2166), no. 86; *H. Reports*, 49 Cong. 1 sess., ix(2443), no. 2614; *S. Ex. Docs.*, 50 Cong. 2 sess., iii(2612), no. 83. The sums chargeable against the lands amounted to $728,389.46.

114 The map is in *S. Ex. Docs.*, 51 Cong. 1 sess., ix(2686), no. 78, facing p. 32.

not subject to negotiation because they had been paid for and a deed executed to the United States in trust for the occupants. Instructions stated that the Cherokees should not be prevented from securing a just and fair consideration for the four reservations just west of the Arkansas, even though deeds had been executed to the United States in trust for the Indians occupying the reservations. It was observed that the consideration named in the act of Congress requiring the execution of the deeds, as well as the $300,000 appropriation in 1880, was to be paid out of funds due the Cherokee nation for lands lying west of the Arkansas, and not due for the four reservations as such. It was explained that no specified price was fixed on the lands, and that the price determined by the appraisement had been insisted upon by the government and objected to by the Cherokees[115] who claimed it was inadequate.

According to the Cherokee treaty of 1866 the Cherokee lands west of ninety-six degrees disposed of by the United States to friendly Indians should be taken in quantity not exceeding one hundred and sixty acres for each member of any tribe settled there; the lands, according to the treaty should be sold, occupied, and conveyed in fee simple to the tribes thus settled. The lands in the Outlet set apart for the Cheyennes and Arapahoes by the treaty of 1867 greatly exceeded one hundred and sixty acres for each member of the tribe. In 1889 these lands had not been occupied by the Cheyennes and Arapahoes, paid for by them, nor had the Cherokees conveyed the same in fee simple. The price of the lands had not been determined as prescribed by the Cherokee treaty of 1866, because there had been no negotiations beween the Cheyennes and Arapahoes, and the Cherokees; and according to the treaty the President could fix the price only after those parties had failed to agree on the same. While the Cherokee Commission was not clearly advised *why* the United States possessed title to

[115] Com. Atkins to Sec. Int., April 30, 1886, O. I. A., *L. Letter Book* 147, pp. 343-345.

this portion of the Outlet (unless it be that the Cherokees had never acquired title to the Outlet), which title could have been conveyed to the Cheyennes and Arapahoes, the Commission was plainly advised that title had been so conveyed by the United States. It was noted that the Cheyenne and Arapahoe treaty of 1867 contained no provision stating when occupation should begin or declaring forfeiture in the case of non-occupation. Attention was called to the fact that the continued existence and binding force of all the provisions of the treaty had been recognized by Congress in annually appropriating the several amounts therein provided for, amounting to about $38,000 per annum. The Commission was advised that the Cherokee lands designated in the treaty were secured to the Cheyennes and Arapahoes by solemn treaty stipulation, and that these tribes had made no treaty ceding them or agreement of relinquishment that was of any binding force or effect. The compilation prepared for the Commission said of the Cheyennes and Arapahoes: "They have committed no act of forfeiture. Their title stands today as it did at the date of the ratification of the treaty of 1867. As between the United States and the Cheyennes and Arapahoes the title to the lands is in these Indians, and they have a perfect and indisputable right to now remove to that reservation and enjoy all the privileges guaranteed to them by the treaty. . . . The United States has conveyed the lands to the Cheyennes and Arapahoes, and the title thereto is in them. The question of the payment therefor is consequently one between the United States and the Cherokee Nation."

Since there was no provision made for the location and settlement elsewhere of the Indians occupying the lands to be negotiated for, the Commission was instructed, in the event of successful negotiations, to provide new reservations suitable to the requirements of each band within the reservation then occupied by such band, or to provide for allotments in severalty within the reservation so occupied, or to provide for new reservations, or for the allotment of lands in severalty in some other portion of the

country lying west of the ninety-sixth degree. The Commission might also make provision for the removal of the Indians to lands east of that degree, in which case negotiations would be necessary with the Indians who owned the lands.

When organized on June 29 the members of the Commission[116] were General Lucius Fairchild of Wisconsin, chairman, General John F. Hartranft of Pennsylvania, and Alfred M. Wilson of Arkansas. There was no commission more important in the federal management and disposition of the lands of Oklahoma Territory.[117] Early in July, Mayes was given official notice of the appointment of the Commission and was asked to take steps to secure necessary arrangements on the part of the Cherokee nation to meet them in regard to the matter provided for in the act of March 2.[118] Mayes replied that the Commission would be kindly and courteously received and that he felt sure they and the Chero-

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116 Fairchild had already survived his popularity as a man in politics, though not as a veteran of the Union Army. There is a sketch of his life by F. L. Paxson in the *Dict. Amer. Biog.* vi, 253-254. For the latter part of 1889 and the early part of 1890 the *Fairchild Papers*, deposited in the Library of the Wisconsin Historical Society, are a valuable source of information. From the field of operation Fairfield wrote a number of letters to his wife, Frances, whom the family called "Frank." The letters turn a flood of light on the human side of the negotiations for the sale of the lands of the Outlet, and on the development of the policy of depriving the Cherokees of the use of the lands. The letters in manuscript are filed in chronological order. For an account of them see Louise P. Kellogg, "The Fairchild Papers," *Wis. Mag. of Hist.*, (March 1927) vol. x., 259-281.

Hartranft had served two terms as governor of his State. There is a sketch of his life by Witt Bowden in the *Dict. Amer. Biog.*, viii, 368.

A half dozen persons were offered a place on the Commission before Fairchild and Hartranft were named. The list follows, the first three appointments being made on March 30, 1889: George D. Robinson, Massachusetts, chairman; J. Otis Humphrey, Illinois; Alfred M. Wilson, Arkansas; April 27, John H. Baker, Indiana, Chairman; May 7, W. C. Goodlow, Kentucky; May 20, J. S. R. McMillan, Minnesota; June 20, Fairchild; June 21, Hartranft; June 28, Fairchild notified that he was designated as chairman. O. I. A., Ind. Div., *Index to Letters Sent* v, 77.

Each of the commissioners was allowed his railway fare and transportation expenses, and five dollars per diem during the time of actual service, in lieu of all other expenses, and was allowed a compensation at the rate of ten dollars per diem during the time of his actual service.

117 At the time of its organization Fairchild wrote: "It looks as if it is the most important Commission of the kind we have ever had—so the Commissioner of Indian Affairs says." Fairchild to "Frank", June 29, 1889, *Fairchild Papers*. In regard to similar and contemporary commissions in the United States, see *Indian Affairs* 1891, p. 47, seq.

118 Noble to Mayes, July 2, 1889, O. I. A., *Record of Letters Sent*, No. 60, pp. 333-335.

kees would fully understand each other on the important subject which appeared to be a proposition to buy about one half of the Cherokee public domain for homesteads of citizens of the United States. He asked that the Secretary of the Interior, if consistent with his duty, furnish him the full instructions given the Commission. Two sentences in the letter deserve particular attention: "The Cherokees are today living under a constitutional government, well regulated. The difference between the Cherokee Government and that of the States is only the land tenure which is fixed by the constitution of the Cherokee Nation."[119]

Soon after receipt of instructions the commissioners proceeded to the Cherokee country and late in July were escorted "into Tahlequah with honor."[120] Fairchild surveyed the situation and summed up the difficulties better than his companions did. In a letter of July 25 he said: "The first impressions I have, from talks with natives is that the negotiations will be slow and perhaps not successful. They seem to be much opposed to the selling of their lands, but 'we shall see what we shall see' in a few days."[121] Some days later he wrote that difficulty was contemplated "in the prosecution of the Cherokee sale, because of their bitter partisan fights. What one side proposes the other side is pretty sure to oppose. *That is confidential.*"[122]

On July 31 the Commission addressed a letter to Chief Mayes stating that they were ready to submit to the Cherokees the proposition set forth in the act of March 2, and requested that they be informed upon what day and to whom the same should be sub-

[119] Mayes to Noble, July 8, 1889, O. I. A., 4144 Ind. Div. 1889. A copy of the letter was sent to the Commission July 15.

[120] According to Adair and Bushyhead the Cherokees sent out a committee which met the Commission some miles away and "escorted them into Tahlequah with honor, presented them the best quarters we had in our beautiful newly erected public Female Seminary, and there entertained them at national expense as well as we knew how." Memorial of March 1890, O. I. A., *Misc. Documents*, p. 20877.

[121] Letter to "Frank", July 25, 1889, *Fairchild Papers*. Hartranft thought there was "fair prospect of success". Hartranft to Noble, Aug. .... 1889; a copy of the letter is in *ibid.* On September 6 Wilson wrote to Fairchild: "I am quite hopeful of success, the influence of Chief Mayes and the cattle syndicate to the contrary not withstanding." *Ibid.*

[122] Fairchild to "Frank", Aug. 6, 1889, *ibid.*

mitted.[123] On the following day Mayes replied that he would at their convenience receive such proposition as they might see proper to submit. "In this connection," he said, "it will be appreciated by this department if you will make absolutely explicit your presentation of the subject you wish to submit, giving full details of the law under which you act, your authority thereunder, your instructions in the premises—to obtain which the Hon. Secretary of the Interior has referred me to your Honorable Commission—as well as the details and purposes of the proposition itself. It will give me pleasure," he said, "when I shall be advised properly in the premises to act with intelligence, to advise you of the status of our laws in relation thereto, and when and to whom it may become my duty, as Principal Chief, under the laws and constitution of the Cherokee Nation, to submit your proposition."[124]

In a letter of August 2 the Commission quoted Section Fourteen of the act of March 2 and their instructions to the effect that they were to offer one dollar and a quarter an acre for all lands covered by article sixteen of the treaty of 1866, lying west of the Arkansas.[125] Sums previously paid, or $728,389.46 should be deducted from the total amount. But the Commission refused to fire the Bertha in the first volley. They omitted the part of their instructions authorizing them to negotiate upon just and equitable terms for the lands if the offer of one dollar and a quarter an acre should be rejected. The point omitted was the one uppermost in the mind of the Chief if the lands were to be sold at all.

On the same day there appeared in *The Telephone*, a Tahlequah newspaper, the following certificate dated July 29, 1889, and signed by Chief Mayes:

"This certifies that I have received an offer from Williamson, Blair & Co. to pay to the Cherokee Nation for a fifteen years lease

[123] The letter under date of July 31, 1889, is in O. I. A., *Misc. Documents*, p. 20881.

[124] Mayes to Fairchild, Aug. 1, 1889, *ibid.*, p. 20882.

[125] The letter, under date of Aug. 2, 1889, is in O. I. A., L. 23736-1889; also in the *Fairchild Papers*.

of the grazing lands of Cherokee Nation, West of the Arkansas river, including the present lease of five years for $200,000, per annum, as follows:

"For the second five years, $400,000, per annum; for the third five years $720,000, per annum, making in all for the fifteen years, $6,600,000.

"Williamson, Blair & Co. is a syndicate within themselves, and members of the Cherokee Strip Live Stock Association. This offer stands approved by Maj. Drumm and other prominent members of the association. Mr. Williamson is the man who raised the bid of the Association from $175,000 to $200,000. I am assured to-day that this offer will be made at the next session of the National Council."[126]

Mayes, for reasons commendable or corrupt, had no desire to sell the lands to the government at the price offered by the Commission. He recognized receipt of their letter on August 3 but because of the pending election postponed further action until after August 5. He refused to call the National Council and on August 9 the commissioners were authorized to depart for their homes if they thought nothing could be accomplished before the meeting of the Council on the first Monday in November.[127]

Three days later in a letter[128] to the Commission, Mayes explained that the calling of the Council would not facilitate the matter since no proposition to sell a part of the Cherokee country could be entertained without an amendment to the constitution.[129] He noted that since the general election did not take

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[126] The Telephone, Aug. 2, 1889, Okla. Hist. Society.

[127] Noble to Fairchild, Aug. 9, 1889, *Fairchild Papers.*

[128] The letter of Aug. 12, 1889 is in the Indian Office, L. 23736—1889; also in O. I. A., *Misc. Documents*, pp. 20886-20891, but the date is incorrectly given as August 10. See also Com. Morgan to Sec. Int., Oct. 1, 1889, *Indian Affairs*, 1889, p. 22.

[129] Mayes referred to the constitution of September 6, 1839, which provided that "the lands of the Cherokee Nation shall remain common property". He noted that the constitution nowhere gave the National Council power to sell or cede the lands of the Cherokee Nation which by treaty with the United States and the constitution, were "the common property of the Cherokee people." The constitution with amendments thereto is in the appendix of *S. Reports*, 49 Cong. 1 sess., ix(2363), no. 1278, pt. ii, pp. 258-265.

place before August 1891, no action could possibly be had until the assembly of the council following that election. He considered the offer of the Commission "not only vague but misleading." After reviewing the history of the Cherokee title to the lands, he said: "By your proposition $1.25 per acre is offered by the United States for all of the title or claim [or] interest of the Cherokee Nation to all that part of the Indian Territory lying west of the 96th meridian known as the 'Cherokee Outlet,' excepting that part of the Outlet east of the Arkansas River which has been heretofore conveyed and paid for. This is the whole of the body of the proposition except that certain sums are to be deducted from the gross amount when found, and the seemingly unnecessary suggestion to add all the acres together and multiply the total by $1.25 to find the gross amount offered. The gist of the offer is in the term 'Outlet' which your Honorable Commission may understand to mean and describe one tract of country and the Cherokee citizens another. It is understood that the proposal of the United States to abrogate the 16th Article of the treaty of 1866 and purchase the lands there defined will be submitted to this Nation in the terms used by your Commission, and according to your construction of the act of Congress empowering you to act, and of your instructions from the Department and not according to the construction of those sources of your authority by the Cherokees.

"Such being the case I am forced to consider the term 'Outlet' as used advisedly in your proposition to describe all of the country originally conveyed by the United States to this Nation which lies west of the 96th meridian." Mayes pointed out that the Cherokees had no longer any pecuniary claim or interest in the lands occupied by, sold to, and conveyed by deed, to the Poncas, Pawnees, Nez Perces, and Otoes and Missourias. He added: "To accept now what might be construed as an invitation to unsettle the status of these tribes by including their lands within the Cherokee country would be in my judgment an act of bad faith." He expressed the belief of the Cherokees that Congress

had no intention to speculate at their expense in the interest of citizens of the United States who desired lands in the Outlet, and that the government would "see to it that our weakness as a people shall be no encouragement to those who would trespass upon our lands or despoil us of our property rights."

On August 13 Fairchild and Wilson replied that they considered the offer "explicit and exact," that the necessity for constitutional amendment was a surprise to them since transfers of lands had been made by the National Council, and that the United States would be satisfied by such a transfer.[130] They informed the Chief that it would be their duty and pleasure to return to Tahlequah when the National Council met in November and that they would be ready to complete an agreement embodying the offer made, in case it were acceptable to that body. They said that on the morrow they would leave to prosecute their labors in other parts of the Territory, and gave their address as Muskogee. A few days later they departed to their homes. It was believed that most of the tribes would consent to relinquish their property for the price willing to be offered by the government, but the Cherokees had shown no disposition to sell their lands at any price.[131] Wilson soon returned to the Cherokee country and in September was engaged in making public addresses to the Cherokees, advising them to accept the offer of the Commission.[132]

On September 12 Fairchild said plainly that in his opinion no progress could be made by the Commission so long as the Cherokees believed that the United States would permit the lands

130 Letter to Mayes, Aug. 13, 1889, O. I. A., Land 23736—1889; also in *Fairchild Papers.*

131 Report of Sec. Int., 1889, *H. Ex. Docs.*, 51 Cong. 1 sess., xi(2724), p. xiv.

132 Leo. E. Bennett to Com. Ind. Aff., Sept. 21, 1889, *Indian Affairs* 1889, p. 210. Noble suggested to Wilson that it would probably be of use for him, since he was well acquainted with the tribe, to spend a portion of the period prior to the meeting of the National Council for the purpose of explaining to the Chief or others desiring it, the nature of the agreement sought to be made and matters connected therewith. Noble to Wilson, Aug. 9, 1889, O. I. A., *Record of Letters Sent*, No. 61, pp. 109-110. Noble realized that the task of the Commission was difficult one. He said: "I will do anything I can to help you to a successful result, faith in which must not be abandoned until the last thing possible has been done." *Ibid.*

to remain under lease simply as a cattle pasture.[133] He noted that there was a wide-spread and rapidly increasing public opinion in favor of the speedy opening of another portion of the Indian Territory to white settlement and in opposition to the continued use of immense tracts of good farming lands there for the purpose of pasturing cattle only. He believed that the Cherokees would accept the price offered by the Commission if they understood that the Outlet would be filled up with friendly Indians in the event of their refusal to sell the lands. He said: "Several million acres of good land lying west, south and east of Oklahoma can be opened to white men if the Outlet is used even as a temporary home for Indians. But the Outlet should not in my opinion, be used as a home for Indians if it can be procured for white men at a fair price. It is good land for white men and they should have it if possible. But if it cannot be procured of the Cherokees for white men, then the next best course to pursue is to put Indians thereon and let white men have the lands now occupied by tribes in other portions of the Indian Territory south of the Outlet."

Wilson said in an unofficial way that he believed public sentiment was for the sale of the lands and that unless the Council were "bought" by the cattlemen who would have to "pay liberally" the commissioners would succeed in November.[134] On September 22 he said in regard to the purchase: "But the cattlemen stand in the way, and I so wrote to Sec. Noble some days ago and suggested that the government indicate that the cattlemen would not be permitted to hold the Outlet for grazing under lease or otherwise; or if he deemed it best so to write me and I would *preach* it extensively to my fool Kin, and thus disarm Chief Mayes and strengthen me."[135] A few days later Horace Speed, Secretary to

[133] Letter to Noble, Sept. 12, 1889; there is a copy of the letter in O. I. A., *L. Letter Book* 189, pp. 450-451.

[134] Wilson to Fairchild, Sept. 10, 1889, *Fairchild Papers*.

[135] Wilson to Fairchild, Sept. 22, 1889, *ibid.* The letter referred to was that of September 19, 1889, a copy of which is in the Indian Office, *L. Letter Book* 189, pp. 451-452. Wilson was satisfied that a good majority of the people were in favor of selling the lands and he said that it was his aim to control the action of the

the Commission, said in a letter to Fairchild: "After much labor I have just got off to the President a letter as strong as I can make it asking that the cattle be ordered off the Outlet, and giving reasons that would win any man."[136]

In a letter of October 1 Acting Commissioner Belt explained that cattlemen had been permitted to remain upon the lands of the Outlet in pursuance of the policy announced by Secretary Lamar in 1885.[137] He reviewed the rights of the government to remove cattlemen from the Outlet but made no reference to the letter in which Secretary Teller championed the rights of the Indians to grant grazing privileges.[138] He said that if the offer for a fifteen years lease had been made by the syndicate its design and purpose was undoubtedly to defeat the authorized negotiations for the sale of the lands to the United States at any price in order that they, the cattlemen, might continue in the enjoyment of the grazing privilege which they were suffered to have and enjoy to their great profit. And he concluded that if the charges of interference were clearly established the cattlemen should be given due notice and reasonable time to remove from the Outlet, and without the Indian country.

Secretary Noble, who was not much impressed with the validity of the Cherokee title, was informed that soon after Congress authorized the appointment of the Commission the Cherokee Strip Live Stock Association had proposed to lease the lands at rentals published in *The Telephone* on August 2. On October 4 he wrote that his views were not effected by a desire to force the Cherokees, but by a very earnest purpose to resist what he considered inter-

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National Council through popular will. He considered that the proposed lease for fifteen years, as published in the local papers, was the greatest weapon in the hands of the Chief and others acting with him. He believed that the purpose of the offer was only to prevent negotiations by the Commission and that the offer served to "*humbug*" the more ignorant Cherokees.

136 Letter of Sept. 26, 1889, *Fairchild Papers*.

137 Belt to Sec. Int., Oct. 1, 1889, OIA., *L. Letter Book* 189, pp. 450-463. See p. 222 above.

138 See pp. 220-221 above. The omission was probably not an oversight.

ference by a powerful corporation with the business of the government and strongly tending to prevent the Indians from giving a fair consideration to the propositions the government had to offer; he considered that the interference was in a form and at such a time and on terms which were presumptuous, if not fraudulent and criminal.[139] He said that his views tended strongly to a proclamation by the President ordering the syndicate to remove the cattle from the Outlet, but that he could not say whether executive action would be taken. He informed Wilson on October 16 that he expected to send him some further assistance in the way of either a letter to Chief Mayes, or a proclamation of the President soon.[140]

Noble's assistance was given in the form of a letter to Chairman Fairchild in which he endeavored to show that the Indians should accept the "munificent" offer of the government.[141] The letter, to be used as Fairchild deemed best,[142] was a warning and a threat to the Cherokees. Noble described and criticized the association which proposed "to outbid the United States" and expressed the unquestionable power of the latter "to sweep out this syndicate as an unlawful intruder upon the Outlet" if a lease with the Indians were formally entered into. It appeared to him that the cattle syndicate had no authority to make a lease such as was proposed in the certificate published in *The Telephone* on August 2. He explained that the offer of the United States was at least seven million dollars in addition to payments already made, which, upon interest at five per cent would net the Cherokees yearly quite

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139 Letter to Fairchild, Oct. 4, 1889, O. I. A., *Record of Letters Sent*, No. 61, pp. 472-473; see also Noble to Wilson, Oct. 4, 1889, *ibid.*, p. 473.

140 Noble to Wilson, Oct. 16, 1889, *ibid.*, No. 62, p. 44.

141 The letter of Oct. 26, 1889, is in the Report of the Sec. Int., 1889, *H. Ex. Docs.*, 51 Cong. 1 sess., xi(2724), pp. cxl-cli. Noble derived many of the facts as to the history of the question from the opinion of Asst. Att.-Gen. Shields of October 19, 1889 which Noble termed "a careful consideration of this whole subject". The opinion is in O. I. A., *Misc. Documents*, pp. 22302-14; also pp. 68292-68304.

142 On transmitting the letter to Fairchild on October 29, 1889, Noble said: "It is a sufficiently emphatic document and I hope may prevent the syndicate from any loss. You will know how to use it". O. I. A., *Rec. of Letters Sent*, No. 62, p. 203.

$350,000; that the credit of the United States was superior to that of the syndicate and that in general the offer was better than the "extravagant" proposal made by the cattlemen. He reviewed the history of the lands in the Outlet, pointed out that the Indians were the wards of the government, that leasing, unless "made by treaty or convention entered into pursuant to the Constitution"[143] was illegal, that the leases had never been approved by the Department of the Interior, but had been protested against, that the proper officers of the government could declare them to be void and remove the lessees; and he concluded that the lessees should be compelled to leave the Outlet with their property on or before June 1 next.[144]

It was the opinion of the Secretary of the Interior that the government already had a fee simple title to the Outlet, subject to the use its title indicated, and that the lands could be settled with adverse tribes without paying the Cherokees more than the appraised value of 47.49 cents an acre. He stated that the title of the Cherokees was precarious, and liable to be defeated utterly since the United States probably had a superior title which would be asserted if the circumstances of the American people required that it should be. He explained that the government was "seeking this land only for the good of the people, to furnish new homes for the vast number of her citizens who wish by their labor to redeem it from a wilderness; from plains roamed over by scattered herds, and to give it for homesteads, farms and the nurseries

[143] See Section 2116 of the *Revised Statutes*. Noble's construction shows a marked contrast from that set forth by Secretary Teller who in defending the right of the Indians to allow cattlemen to use and occupy the lands for a consideration, said in 1885: "This section applies to purchase, grant, lease or other conveyance of *lands*, but it makes no reference to the products thereof. No prohibition is placed upon the Indians as to the disposition of the products of the soil. They are not prohibited from disposing of the grass growing upon their lands any more than they are prohibited from disposing of wheat, corn, or vegetables raised thereon as the fruits of their labor". Teller to President pro tempore of Senate, Jan. 3, 1885, *S. Ex. Docs.*, 48 Cong. 2 sess., i(2261), no. 17, p. 2. See also Teller to Com. Ind. Aff., March 16, 1883, *S. Ex. Docs.*, 48 Cong. 1 sess. iv(2165) No. 54, p. 152; also the minority report of the House Committee on the Territories, July 11, 1888, *H. Reports*, 50 Cong. 1 sess., Viii(2605), no. 2857, p. 27.

[144] See also Noble's report for 1889, *loc. cit.*, pp. xv-xvi.

of Americans." Noble's letter was in harmony with the recommendation of Agent Leo E. Bennett that the Department of the Interior, by any means at its command, could not too vigorously emphasize the assertion of its rights.[145] Public opinion demanded that the Cherokees should be punished if they refused the price offered by the government.

Fairchild realized the necessity of stern measures on the part of the government if the lands were to be secured. "If matters do not go to suit me," he said privately, "I shall skip this Commission in short order."[146] The Commission[147] returned to Tahlequah October 30 and were there armed with the Noble letter.[148] "This people are greatly excited over the selling of the land," wrote Fairchild October 31, "and I expect that the Council will be a lively gathering. It convenes next Monday. I have not much hope of success, but it is barely possible. They may have more horse-sense than I now give them credit for. *Private.*"[149] On November 2 Fairchild transmitted to Mayes the official letter of October 26 as signed by Noble himself, and two days later he transmitted to him a copy of the opinion of Assistant Attorney-General Shields of October 31 to the effect that the "Cherokee

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145 Bennett to Com. Ind. Aff., Oct. 23, 1889, O. I. A., 6513 Ind. Div. 1889. The problem of retaining the Outlet presented a challenge to "all the talents" among the Cherokees. Bennett said he had been informed that several of the prominent Cherokee politicians in a recent conference agreed to lay aside all political or party differences and to work together in one determined and united effort to defeat the commissioners in their negotiations. He said they claimed that if the position taken by the United States was correct, and leasing was illegal, the cattlemen would have been removed as was the case on the Cheyenne and Arapahoe reservation. Bennett earnestly recommended the revocation of the leases.

146 Fairchild to "Frank," Oct. 20, 1889, *Fairchild Papers.*

147 Hartranft died October 17, 1889, and Warren G. Sayre of Indiana was appointed in his stead. Fairchild said of Sayre: "He is a hard headed lawyer, pleasant and genial. Has a lot of sound, hard horse-sense, a valuable acquisition." Fairchild to "Frank", Nov. 18, 1889, *ibid.*

148 About the time Fairchild received the letter he wrote to the folks at home: "Noble has written a letter which it is hoped will do us a lot of good". Letter of Oct. 31, 1889, *ibid.*

149 *Ibid.*

Nation"[150] was authorized to relinquish to the United States whatever title it might claim to the Outlet and that "nothing in its constitution and the amendments thereto" could present any legal obstacle to such relinquishment. Copies of the opinion for distribution were promised soon.

Mayes promptly challenged Noble's warning and threat. He referred to Noble as pretending to take the responsibility of removing cattle that had been grazing on the lands of the Cherokees for the past ten or twelve years by permission of the Cherokee nation, from which source the Cherokees had been deriving a considerable revenue, and which privileges the predecessors of Noble never pretended to interfere with. "I will simply say to you," Mayes wrote to Fairchild, "that the Cherokees do not recognize the right of Secretary Noble to interfere with this land that has belonged to the Cherokees since the purchase and ownership of said land, but will continue to collect said revenue for this grazing privilege until Secretary Noble [shall] see fit to deprive the Cherokees of the revenue by force; even then the Cherokees will endeavor to protect their right in the premises in a legitimate way."[151] In regard to Shield's opinion of October 31 he said that his official position, conscience, and sense of duty would govern him in the matter, "and not the opinion of the Assistant Attorney-General, nor the act of Congress creating your Commission which has no connection with this matter."

Noble looked upon Mayes as "playing a very humble part indeed" in the controversy, and was not disposed to take offence at anything he might say. He was more interested in "persistent

[150] Shields' opinion of Oct. 31, 1889 is in O. I. A. *Misc. Documents*, pp. 22329-38; also pp. 68319-28. The question presented to Shields was whether the relinquishment of title to the Outlet by the "Cherokee Council" would violate the Cherokee constitution.

In his fourth annual message to the members of the Cherokee National Council November 4, 1890, Mayes said: "The many millions of acres of land heretofore sold to the government by the Nation at different times, has been done only by treaty, ratified by the people. The National Council has never assumed the sole right of disposing of lands belonging to the Cherokee people". *Ibid.*, pp. 27064-65.

[151] Letter of Nov. 5, 1889, O. I. A., *Misc. Documents*, pp. 20926-20927.

action against the parties really responsible for this opposition," and hoped for the success of the Commission. In reply to Fairchild's inquiry regarding provisions for removal of intruders[152] and other concessions on the part of the government, Noble said on November 9 that while there was a good deal with which he was not at present familiar, he did not think it advisable that much be said on the matter until the Cherokees had shown a very decided disposition to concede to the proposition of the government. He said he was advised that someone representing the cattlemen was coming to see him, but he assured Fairchild that he would not relent to the damage of the Commission. He said that the cattlemen must go at the time stated, or if any concession of time were made to them, it would be only after the terms for the sale had been agreed upon. "I will not make any provision or condition with them," said Noble, "until it is agreed that the cession shall be made."[153]

Two days later Noble wrote to Fairchild that Major Warner had just had an interview with him in regard to a longer time for the removal of cattle and had been told that when the cattlemen had earned the favor of the Secretary of the Interior, he would be inclined to give it, but that if he were blocked in the negotiations they must look out for themselves.[154] "I shall attri-

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[152] From the beginning to the end of negotiations there was no subject of more concern to the Cherokees than provision for the removal of intruders from the home reservation. Acting Commissioner Belt referred to it as "this vexed and long standing question". Belt to Sec. Int., July 5, 1889, O. I. A., 2573 Ind. Div. 1889. Frank P. Blair, a lawyer, who claimed to be familiar with conditions on the reservation, estimated the number of intruders at 2,500. Blair to Noble, May 6, 1889, *ibid.* Mayes wrote to President Harrison on the gravity of the situation and urged that article six of the treaty of 1835 be complied with. Letter of May 9, 1889, *ibid.* Commissioner Oberly discussed the subject in a letter to the Secretary of the Interior, June 7, 1889, *ibid.* See also Mayes to Agent Bennett, Sept. 23, 1889, O. I. A., 6079 Ind. Div. 1889; Bennett to Com. Ind. Aff., Sept. 27, 1889, *ibid.*, and Cherokee Com. to the President, Jan. 9, 1892, *S. Ex. Docs.*, 52 Cong. 1 sess., v(2900), no. 56, pp. 10-12.

[153] Noble to Fairchild, Nov. 9, 1889, O. I. A., *Record of Letters Sent*, No. 62, pp. 234-235. Noble also reminded Fairchild not to omit going to other tribes and getting all the concessions possible if the Cherokees should stand out against the Commission.

[154] Noble to Fairchild, Nov. 11, 1889, *ibid.*, pp. 263-264; see also Noble to Fairchild, Dec. 17, 1889, *Fairchild Papers*.

bute the want of success of your Commission to the cattlemen," said Noble, "and not to the Indians." He said that he was thinking of issuing a formal order soon to the cattlemen "to get out of the Outlet," and that they must do so by June 1. "If they subsequently bring your mission to a successful issue," he said, "I can supplement it by a more gracious proclamation."

Secretary Noble in Washington, occupied with sundry duties, could regard the acts of the Principal Chief of the Cherokees with gracious indifference; the Commission at Tahlequah could not. Fairchild believed that Mayes had put himself squarely against selling the Outlet and was in the pay of the cattlemen. On November 10 he wrote: "We shall have one more shot at them soon, though it will not be through the Chief as we shall probably ignore him entirely hereafter and address the National Council direct. I've been as mad as a March hare for 24 hours. If the President does not back Noble and this Com'n by issuing an [order] to remove the cattle by June 1st I shall pack my 'grip' and go straight to Madison, Wis."[155] Nor did the commissioners always get along well with the populace who seemed to talk about nothing but the offer of the government to buy their lands. "Some of these people," said Fairchild, "look upon us as a lot of land thieves coming here to steal their lands from them."[156]

The Commission had little to gain by addressing the National Council direct; an appeal from Oliver Cromwell to the Rump Parliament would have promised as much success. In a letter addressed to the National Council November 14 they reviewed the history of the Cherokee title, the Chief's "requests" for negotiations, the position of Secretary Noble in regard to the removal of cattle, and they presented the "liberal" offer of the govern-

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155 Fairchild to "Frank," Nov. 10, 1889, *ibid.*

156 Fairchild to "Frank", Nov. 23, 1889, *ibid.* In his letter of November 10, Fairchild referred to the exorbitant price charged by the landlord and added: "They are all d....d thieves. That['s] the truth—only I can't say so out loud yet. I feel contaminated by the contact with the dishonest Whelps who are in the lead of affairs here. *Private*".

ment as "an open business proposition."[157] They did not fail to remind the Council that if the government did not open the Outlet to settlement, the effort would be the greater to open lands to the south occupied by Indians "with no titles," and that as a matter of avoiding complaints of the Indians (and whites) and as a means of economy to the government, these undesirables could be moved north to the Cherokee home reservation and settled thereon[158] in accordance with the provisions of article fifteen of the treaty of 1866.

On the next day Mayes advised the Commission that the communications would be transmitted to the Council, made certain explanations regarding his statement of February 13 before the Senate Committee on Territories, and quoted at length from Secretary Teller's letter of January 3, 1885, regarding the rights of the Cherokees in the Outlet.[159] He did not flinch from the intimation that the Cherokee home reservation might be filled up with undesirable Indians, but said that the treaty provision cited was entirely inoperative, as there were no unoccupied Cherokee lands east of ninety-six degrees. He considered that it would create disruption and perhaps war to attempt to establish another Indian government within the Cherokee nation; he termed it "unreasonable" to suppose that the government would make such an attempt and he said it looked like "folly to talk about such a thing."[160]

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[157] The Letter of Nov. 14, 1889, is in *ibid;* also in O. I. A., *Misc. Documents*, pp. 20134-20145. Two copies of the letter were sent to Chief Mayes with the request that he transmit them to the National Council. On November 9 he had transmitted to the Council the offer made by the Commission.

[158] The next year Assistant Attorney General Shields implied strongly enough that the Iowas in Nebraska and Kansas who did not wish to take allotments under the act of March 3, 1885, might be settled on Cherokee lands, east or west of the ninety-sixth meridian. Secretary Noble stated that they might be settled "even east of Western Cherokee line". Noble to the President, June 27, 1890, *S. Ex. Docs.*, 51 Cong. 1 sess., xi(2688), no. 171, pp. 4-5.

[159] Mayes to Cherokee Com. Nov. 15, 1889, O. I. A., *Misc. Documents*, pp. 20940-20945.

[160] The Commission practically agreed to this statement after Mayes was dead and an agreement made; Com. to the President, Jan. 9, 1892, *S. Ex. Docs.*, 52 Cong. 1 sess., v(2900), no. 56, p. 12.

On the same day Fairchild reported to Noble that Mayes was "bitterly opposed to the sale," that the commissioners had been treated with slight courtesy, that the Indians did not believe that the cattle would be removed, and that never in his life had he been "among so dishonest a lot of people" if he could believe one half of what he heard from the Cherokee citizens.[161] Some days later he wrote: "To 'lobby' here would mean to have money to scatter. We shall *roast* the rascally Principal Chief before we leave. We have the letter prepared which will convict him by his own statements that he has been completely controlled by the cattlemen to the injury of his people. He has ignorantly put himself in writing to that effect."[162] Before the close of the month Fairchild began to sense failure. "The offer of the government will not be accepted," he wrote to his wife. "That seems quite certain, but I don't want to say so *out loud,* so keep mum. I am disgusted with several matters and as I now think, I'll quit the concern after we get through with our failure here. That's private also."[163]

In unmistakable terms Secretary Noble stated his position on November 25: "I will not back down in this matter until I have taught all the Cherokees that I am their friend and am not acting a double part. My purpose is to give them far more than any claim they might possibly have is worth. Indeed I am inclined to the conclusion, although I have not decided the matter officially, that they have no title whatever."[164] On November 29 he secured an opinion from Shields stating that all persons claiming to be in the Outlet solely by or through leases made with the Cherokee nation were there without authority of law, and formal notice and order might be given by the Secretary of the Interior requiring each and everyone of such unauthorized persons to leave the

[161] Fairchild to Noble, Nov. 15, 1889, *Fairchild Papers.*

[162] Fairchild to "Frank", Nov. 23, 1889, *ibid.* Fairchild added: "All I write to you about this people which is not to their credit is *private*".

[163] Fairchild to "Frank", Nov. 27, 1889, *ibid.*

[164] Noble to Fairchild, Nov. 25, 1889, *ibid.*

Outlet and remove their property therefrom on or before a day to be fixed in the notice.[165] About the same time Noble by telegram advised Fairchild to notify the Cherokees that the offer would end with the final adjournment of their Council without acceptance, but to use his own discretion.

In a letter to the President on December 2, Noble said he did not believe that the Commission could be successful without authoritative notice to the cattlemen that they must quit the Outlet by June 1, 1890; unless the approaching delegation might agree for all the cattlemen to vacate during the next summer, and let the agreement be made public.[166] On the same day he wrote to Fairchild that he had not been able to issue the order intended to the cattle syndicate, owing to the approach of some delegations from the Cherokees and the disposition of the President to see them first.[167] He said that from all appearances the struggle would be transferred to Washington and that Fairchild should feel free to come there if he deemed it best. "The only thing I dislike about it is the apparent retreat from the field," said Noble, "but if the Cherokees send their delegation here I see no good reason to hestitate to follow them."[168]

Meanwhile the Commission were, in the words of Noble, "awaiting the slow movements of the Head Chief of the Cherokees" and the National Council. The Cherokee Senate Committee considered that before action should be taken, information should be obtained on "several vital points."[169] On November 22 the Com-

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165 Shields said that while it was the usual practice for the President to issue a proclamation in such matters, he was of the opinion that the order if issued by the Secretary of the Interior would be legal and valid. The opinion of Nov. 29, 1889, is in O. I. A., *Misc. Documents*, pp 22339-22344. Attention was called to Sections 2116, 2147, and 2149 of the Revised Statutes, and the subject was termed a political one in which the executive department was left to its own discretion.

166 Letter of Dec. 2, 1889, O. I. A., *Record of Letters Sent*, No. 62, pp. 385-386.

167 About the time Fairchild received the letter he wrote: "We have not had proper backing by the President (Private) . . . . I'd like to be the *whole* Congress and President about two hours. I'd settle this land matter mighty quick". Fairchild to "Frank," Dec. 5, 1889, *Fairchild Papers*.

168 O. I. A., *Record of Letters Sent*, No. 62, pp. 375-376.

169 Letter to Cherokee Com. Nov. 15, 1889, O. I. A., *Misc. Documents* pp. 20947-20950.

mittee recommended that the "second or proviso offer" in Section Fourteen of the act of March 2, 1889, or any other offer that proposed that the Cherokee nation should relinquish possession or jurisdiction over the lands until paid for, be rejected, and that the Council ascertain if, under the provisions of the first clause of the section, a fair price could be secured for the lands with proper security for its fulfillment.[170] They noted that the section as passed included the Osage lands, and they recommended that no title be further granted to the Indians on the four reservations just west of the Arkansas, save that the Cherokees should receive the full amount[171] appropriated for the Osage lands with interest from the date of the transfer. They recommended that if a committee were appointed to meet the Cherokee Commission it should not be with general power to negotiate, but simply to confer with them and submit propositions to the Council which would pass on each important matter and determine whether it had the requisite power to do so under the constitution.

An act approved December 3 accordingly authorized the Principal Chief to appoint three persons who should confer with the Cherokee Commission and report during the present session of the Council. On December 5 Mayes appointed W. A. Duncan, D. W. Bushyhead and Adam Lacie as a committee. Like their chief, they were not to be spared from the wrath of the Commission. On December 7 they expressed regret that a formal proposition complete in all its points had not been furnished them by the Commission.[172] They stated that it would be impossible

170 Report of Nov. 22, 1889, *ibid.*, pp. 20954-20959.

171 An act of Congress approved March 3, 1873, provided for the transfer from the proceeds of the sale of the Osage lands in Kansas, the sum of $1,650,600, or so much thereof as might be necessary to pay for the Osage lands in the Indian Territory, and for placing the same on the books of the Treasury Department to the credit of the Cherokee Indians. 17 *Statutes*, 538. During the next decade sufficient money was realized from the sales of lands in Kansas to pay the Cherokees for the new reservation. The Osages paid the Cherokees as provided in the act of 1873, the aggregate sum of $1,099,137.41. Com. Price to Sec. Int., Feb. 17, 1882, *H. Ex. Docs.*, 47 Cong. 1 sess., xx(2028), no. 89, p. 35.

172 Two letters to the Cherokee Com., Dec. 7, 1889, O. I. A., *Misc. Documents*, pp. 20962-20965.

for them to arrive at an intelligent conclusion of the matter in the time allowed by the act of Council,[173] that it was the desire of the Cherokee nation to comply with the wishes of the United States when it could be done with safety and a fair regard for their interests but that they could not accept the offer of a dollar and a quarter an acre under the proviso in Section Fourteen. They requested the Commission that if present instructions limited the offer to a mere promise to pay the Cherokees when Congress should appropriate the money and after the lands had become public domain, that they take steps to secure instructions authorizing them to offer "a fair price" for the lands and in excess of a dollar and a quarter an acre, under the first provision of the section mentioned.

In a conference with the committee December 9 Fairchild, like a soldier, said that the Commission was there to carry out present instructions and not to ask for further instructions regarding the cession. He said that not one effective step had been taken looking toward a settlement of the question during the five weeks the Commission had been in Tahlequah, and that what they wanted was an answer. He added: "If you say yes or no—amen! That settles it."[174] He said that in the opinion of the Commission the day of leasing the Outlet had passed and forever; that the United States would never permit a monopoly of six million acres of land, in the present state of the country, to be used as a cattle pasture. Speaking in his individual capacity he said: "Next January your cattle money ceases, and forever. The Government has declared on the side of justice, and by this decision your resources are crippled entirely as to this amount. Refuse to answer this

[173] According to an amendment to the act of December 3 the committee were required to report not later than December 12.

[174] There is a report of the conference in *ibid.*, pp. 20965-20983. Fairchild observed that the people with whom the Commission were doing business were as bright and intelligent, and as far as looks went, as white as the man in the Capitol at Madison; that there was abundance of intelligence in the National Council to understand the question; and that if all political ferment or party politics could be forgotten, and Cherokee politicians become Cherokee statesmen for thirty minutes, the question could be settled.

offer and you will be brought to the United States in financial distress." He said that if the Commission were considering the matter from the standpoint of the United States only they would have shaken the dust of the Cherokee soil from their feet, "and gone some time ago, but we know that it would have been bad for the Cherokees." He said that if they refused the offer it would be "a sin before heaven; they will deserve the fate I pray God they may never come to. . . . For God's sake do not let it be any act of yours that the Cherokees are brought as suppliants to the United States." He said that the $18,000,000 offer made the year previous by a syndicate of ranchmen was not only fictitious but was made in violation of the law of the United States.[175] He rubbed an old sore to no avail when he called attention to the incumbrance on the home reservation and said that serious consideration was being given to the matter of moving four or five tribes from the west and settling them on the unoccupied lands of the Cherokees east of ninety-six degrees. The minds of the Cherokee committee did not stray far from Section Fourteen. The committee insisted that there were two propositions in the section while the Commission said that a proviso limits whatever precedes it. The committee were desirous of discussing other questions which they considered preliminary and they did not think it was fair or right for the Commission to say "$1.25 per acre or nothing."

During December there was a noticeable rise in temperature in the negotiations. Early in the month Fairchild wrote: "I'll never again have any dealings personal or official with the d——d whelps, rascals and boodles who control affairs in the Cherokee nation. . . . I am provoked and mortified at the cowardly and most discourteous manner in which these fellows here have treated us and the U. S. Mad is no name for it, and with my colleagues have, lately begun to spit out our minds in places and to persons who will take it to the rascally Chief direct. Before we leave we

175 Cf. footnote 99 above.

propose to take a sling at the 'cuss.' "[176] Before the middle of the month he wrote: "These leaders are the most corrupt and cowardly rascals I've ever met anywhere. We have taken off our gloves somewhat and now hit as hard as we can. Today we have sent a letter to the commission which met us in which we tell them that they acted in a most *ungentlemanly* way that their action is *contemptible.*"[177]

It is difficult to determine what "sling" the Commission took at Chief Mayes, or how many they took. However on December 16 they named the tribes in Indian Territory located on the reservations west of the five civilized tribes, except the Osages and Kaws, but added in the Quapaws, and asked Mayes to state separately for each tribe such objections as he might have to their being settled in the Cherokee home reservation in accordance with article fifteen[178] of the treaty of 1866. The objections, it was said, could then be submitted to the President who should determine whether any of them were sufficient. To fill the cup of bitterness to the brim the Commission stated that all the smaller tribes named could be settled on unoccupied lands in the said reservation in compact form while the large tribes could be settled upon contiguous tracts of excellent unoccupied lands. They said the Cherokees would be paid for the lands as contemplated by the treaty; that the Commission thoroughly understood that they preferred to have Indians replace whites who were occupying the lands without compensation. It was observed that the Cherokees after generations of labor by missionaries and school teachers had

[176] Fairchild to "Frank", Dec. 2, 1889, *Fairchild Papers.*

[177] Fairchild to "Frank", Dec. 13, 1889, *ibid.* The subject pertained to certain conference proceedings in which the Cherokee committee said their own remarks had not been accurately recorded. The correspondence is in O. I. A., *Misc. Documents,* pp. 20985-20991. On December 13 the Commission addressed a letter to the National Council stating that the committee had willfully and purposely made a false pretense that they did not have the proposition of the government in writing; that their report stating that the acceptance of the offer of the government would mean the immediate cession of land without the government complying with its part by appropriating the money was "on a par with other false, impertinent, and trifling assertions by said committee." *Ibid.*, p. 20990.

[178] Cf note 47 above.

become an educated, intelligent people who might well desire to aid their less favored brethren on the road to a higher civilization and prosperity, by receiving them into their midst and giving them the benefit of their example and experience. They requested that the answer to the letter be sent in care of the Secretary of the Interior.[179] Mayes evidently did not take the trouble to list objections but asked to be informed by what authority the Commission said such things.[180]

On December 27 the Commission withdrew their offer stating that the government was unwilling to be embarrassed in the slightest degree in any course it might desire to pursue in reference to the lands of the Outlet.[181] In his reply the next day Mayes said that during the session of the National Council many efforts had been made by both houses to give the Commission a reply to the offer, but that the two houses had materially disagreed upon the manner in which the proposition could be entertained, as to who had the authority to sell the lands and the manner in which they should be sold if a sale could be agreed upon. He also said: "Many questions will naturally arise under a proposition of this kind, which makes it a difficult matter for the Cherokees at this time to give you an answer to the proposition which recedes one-half of their country to the United States Government at $1.25 per acre. When it comes to an Indian putting a price on his land he is at a loss, for he has never considered it a matter of speculation. The idea of 'Mother Earth' to him (Indian) is almost a literal expression, and I believe I can safely say to you from what knowledge I have of the Cherokee people that they will not consent to sell those lands for $1.25 per acre, and further if they are ever induced to sell their country, they will certainly demand its full value."[182]

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179 Commission to Mayes, Dec. 16, 1889, *ibid.*, pp. 20993-20995.
180 Mayes to Sayre, Dec. 20, 1889, *ibid.*, pp. 20996-20998.
181 Commission to Mayes, Dec. 27, 1889, *ibid.*, p. 20999.
182 Mayes to the Commission, Dec. 28, 1889, *ibid.*, p. 21000.

The Chief said that the Cherokees knew beyond a doubt that they could realize an amount far in excess of the offer made, and that the Outlet was "the last show for land for homes for their people." He said that after parting with over eighty-one million acres east of the Mississippi, the Cherokees looked earnestly and with much concern over the demand for the sale of the Outlet. He asked if it would not look fair on the part of the government to offer even more than the value of the lands as it was a final deal with the Cherokees, one that began to look like closing them out so far as the ownership of land was concerned. And he added: "It begins to look to the Indian like he will soon be a trespasser on the soil of his nativity."

Before the close of the year the Commission left Tahlequah with prospects for a sale more gloomy than ever. The position maintained by the Cherokees was a strong one. If the words "negotiate with the Cherokee Indians," in Section Fourteen[183] of the act of March 2, 1889, are given their ordinary application and it is remembered that an agreement for a greater price than one dollar and a quarter an acre would have become binding on ratification by Congress, it seems that the Commission could well have offered more than the specified sum. The original letter of instructions to the Commission provided for it; the reason for not increasing the price may be attributed to Noble's suggestion that the Cherokees should practically accept the offer before concessions were made, and to Fairchild's belief that the price offered was three times too large. Mayes had explained to the Senate Committee on Territories February 13 that the Cherokees did not want to sell the lands. In fact they neither accepted nor rejected the offer of one dollar and a quarter an acre made by the Commission. Fairchild could doubtless have waved an offer of twice that amount over their heads with little danger of prompt acceptance. The Cherokee delegates in Washington said: "The gist of

[183] Cf note 103 above.

the whole matter is this: Our twenty-four thousand people own this land, and if some sixty thousand other people want our land, we want them or the Government, if it acts for them, to pay us the full market value for the land, or secure us that value by some equitable means."[184]

Fairchild resigned from the Commission on January 1, 1890. "Because I am not in physical condition to do the work," were the words in which he assigned the reason for his resignation.[185] The people of Wisconsin may well remember Fairchild as an able governor, and his diplomatic service abroad and his service on the field of honor should not be forgotten. In Indian Territory he was not spared pains of a Gettysburg wound. But his resignation made room for a man who could negotiate better for lands in Oklahoma Territory. When the Commission met at Guthrie on May 12 to resume their labors, and before any agreements were made, David Howell Jerome, formerly governor of Michigan, succeeded to the chairmanship.[186] Subsequent articles of this series will show how he matched wits with the Cherokees and how an agreement was made December 19, 1891 for the cession of the Outlet.

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184 Cherokee Memorial of March 1890; see note 107 above.

185 Fairchild to the President, Jan. 1, 1890, *Fairchild Papers*. Fairchild was ill during the early part of January.

186 There is a sketch of Jerome's life in *Nat. Cyc. of Amer. Biog.*, v, 275.

THE ORIGIN OF THE "NATURAL" MOUNDS OF OKLAHOMA AND ADJACENT STATES.

By Joseph B. Thoburn

In various parts of the world there are considerable areas of land upon the surface of which there exist numerous low mounds of earth, usually circular, though sometimes elliptical in outline. One of the largest of these areas, over which such low mounds are scattered in profusion, includes a large part of the lower valley of the Mississippi and the region contiguous thereto in the Middle Southwest. It embraces the entire state of Arkansas and the adjacent portions of the states of Missouri, Oklahoma, Texas, and Louisiana and small portions of Mississippi, Tennessee, Kentucky, and Illinois. It extends from the coast of the Gulf of Mexico to the mouth of the Missouri River. Other areas are found in Southern California and elsewhere along the Pacific Coast country in the United States. Similar formations are also to be found in other parts of the world. This principal province, between the Missouri River and the Gulf Coast has an aggregate area of approxmiately 150,000 square miles.

The origin, or possible causes of the formation of these mounds, has long been a matter of conjecture and speculation. While the archaeologists have shown a large measure of willingness to claim these mounds as the work of human hands, it was with a vagueness and a lack of definite, positive statement as to the probable purpose of such earth-works that left practically all the details still open to conjecture. On the other hand, the geologists, with apparent unanimity, had always seen fit to scout every suggestion of the possibility of human agency having had anything to do with the origin of these mounds. In order that the extent and varied character of these discussions may be fully understood, it

seems well to include herein brief extracts from the published writings of various scientists and others of recognized standing who have been interested in trying to account for the existence of these small mounds.

One of the first scientists who visited Arkansas and Eastern Oklahoma was Thomas Nuttall, the English botanist, who ascended the Arkansas River early in 1819. From Fort Smith he made several excursions into the present state of Oklahoma. He noticed and commented upon these mounds in several places. Singularly enough, this first recorded writer on this theme seems to have suspected that each of these small mounds was the ruin of some sort of human habitation, though he attempted no detailed description of them. Of these mounds, he expressed himself as follows:

> For several miles in and around the town (Arkansas Post) the accumulation of low mounds, or Indians graves, scattered with those fragments of pots which were either interred or left on the graves with offers of food, by the affectionate friends of the deceased, mark the ancient residences of the natives. In one of these tumuli, on the bank toward the bayou, intersected by the falling away of the earth, a pot of this kind, still employed by the Chickasaws and other natives for boiling their victuals, had fallen out of the grave and did not appear to be of very ancient interment. . . . From the ashes of fires and fragments of charcoal, besides the accompaniment of many indestructible weapons, utensils and pots broken into fragments by force, I suspect that these mounds are merely incidental, arising from the demolition of the circular dwelling in which the deceased had been interred, a custom which was formerly practiced by the Natchez, Cherokees, and other natives.[1]

Some weeks later and several hundred miles up the river, Nuttall took occasion again to mention these mounds:

[1] *Journal of Travels into the Arkansas Territory in* 1819, 80-1.

> I observed in my ramble, a considerable collection of aboriginal tumuli, toward the center of which, disposed in a circular form, I thought I could still discern an area which had once been *trodden by human feet*:—but alas! both they and their history are buried in impenetrable oblivion! their existence is blotted out from the page of the living! and it is only the eye which has been accustomed to the survey of these relics, that can even distinguish them from the accidental operations of nature. * * * * Besides these tumuli scattered through the forests, there are others on the summits of the hills, formed by loose stones thrown up in piles. We have no reason to suppose that these remains were left by the Arkansas (Quapaws); they themselves deny it and attribute them to a people distinct and governed by a superior policy.[2]

In 1820, Captain John R. Bell, U. S. A., commanded the small party which was detached from the exploring expedition of Major Stephen H. Long, for the purpose of descending the Arkansas River, from the foothills of the Rocky Mountains to Fort Smith, Arkansas, while Major Long continued his explorations southward into New Mexico and Texas. In the narrative of Captain Bell's journey, the compiler, Edwin James (probably copying from the notes of Thomas Say, the accompanying naturalist), makes mention of these small mounds, which were found to be very numerous within the limits of the present Sequoyah County, Oklahoma, as follows:

> Since passing Bayou Viande (Vian), we have observed the country on either side of our path to be distinguished by extremely numerous natural elevations of earth, of some considerable degree of regularity. They are of a more or less oval outline and their general dimensions may be stated at one hundred feet long, by from two to five feet in greatest height. Their existence is doubtless due to the action

[2] *Ibid.*, 115.

of water. Should the rivers Platte and Arkansas be deprived of their waters the sand islands of their beds would probably present a somewhat similar appearance.[3]

The Rev. Isaac McCoy, who was noted as a missionary among the Indians, made the following statement concerning a group of such tumuli near the banks of the Missouri, in the autumn of 1828:

> The ancient artificial mounds and fortifications, so common in the western states, are seen less frequently as we go west from the Mississippi River, and they disappear in the prairie country assigned to the Indians [in Kansas]. About a mile west of Fort Leavenworth, on a hill which commands a fine prospect in every direction, we discovered eight mounds near to each other, which from their relative position and their structure, attracted our particular attention. They were about twenty-five feet in diameter at the base, six of them nearly in a direct line, about thirty feet asunder, and the other two were on each side of the line, near the center. They were composed of stones and earth; the former placed in a circle. One of these mounds we excavated and, in the hollow within the circle of stones, we found a few human bones, some of which had belonged to adults and others to children. Excepting the pieces of skulls, they were so much decayed that, with the assistance of Dr. Rice McCoy and Dr. Bryant, surgeon of Fort Leavenworth, it was not easy to discover to what part of the human body they belonged. They had been under the action of fire and were mixed with charcoal, burnt earth and stones that had been heated with fire. It appeared that, after the bodies had been subjected to the action of fire, without being consumed entirely, they were covered with earth.

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[3] *Account of an Exedition from Pittsburgh to the Rocky Mountains, Performed in the Years* 1819, 1820, (Philadelphia, 1823.) II, 247.

> Some Indians on the Columbia River burn their dead; but whether they leave any portion of the bones in the place of burning, I have not been informed. The place where these mounds were erected and their internal appearance favoured the conjecture that human sacrifices had there been offered.[4]

David Dale Owen, who was employed as a geologist in Arkansas, during the years 1859 and 1860, made the following statement concerning the probable origin of these low mounds:

> South of the Fountain Hill, the country attains some thirty feet more elevation, with a scattering growth of oak, known as "oak openings." These "oak openings" skirt the prairies of Ashley County and are, like the prairies, interspersed with small mound-like elevations composed of materials which have for a greater time resisted denudation.[5]

Colonel S. H. Lockett made the following mention of these mounds:

> There is one feature in these prairies, as well as much of the bottom lands of Ouachita and Moorehouse parishes, quite peculiar and striking, namely, a very great number of small isolated mounds. **** They are thought by the inhabitants to be Indian mounds and some of them have been excavated and Indian relics found; but it is hardly probable that so many tumuli, so irregularly scattered over so large a scope of country, can all be the results of human labor, but rather of natural origin and then subsequently used in some cases as burying grounds for the aborigines.[6]

J. W. Foster has quoted Col. Caleb G. Forshey's manuscript notes concerning certain small mounds as follows:

> There is a class of mounds west of the Mississippi Delta, and extending from the Gulf to the Arkansas and above,

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[4]*History of Baptist Indian Missions.* (Washington, 1940), 408.
[5]*Second Report of a Geological Reconnaissance of the Middle and Southern Counties of Arkansas*, 144
[6]*First Annual Report of the Louisiana State Geological Survey*, 66-7.

and westward to the Colorado in Texas, that are to me, after thirty years' familiarity with them, entirely inexplicable. * * * These mounds lack every evidence of artificial construction, based upon implements or other human vestigia. They are nearly all round, none angular, and have an elevation hemispheroidal, of from one to five feet, and a diameter of from thirty feet to one hundred and forty feet. They are numbered by millions. In many places, in the pine forest and upon the prairies, they are to be seen nearly tangent to each other, as far as the eye can reach, thousands being visible from an elevation of a few feet.

On the Gulf marsh margin, from the Vermillion to the Colorado, they appear barely visible, often flowing into one another, and only elevated a few inches above the common level. A few miles interior they rise to two and even four feet in height. The largest I ever saw were perhaps one hundred and forty feet in diameter and five feet high. These are in Western Louisiana. Some of them had abrupt sides, though they were nearly all of gentle slopes. There is ample testimony that the pine trees of the present forests antedate these mounds. The material for their construction is like that of the vicinity everywhere, and often there is a depression in close proximity to the elevation.

In utter desperation I cease to trouble myself about their origin, and call them "inexplicable mounds."[7]

In a preliminary report on the hills of Louisiana south of the Vicksburg, Shreveport, and Pacific Railway, Otto Lerch wrote:

Each of these valleys carries a line of lakes, the probable history of which has been given in preceding pages. The mamillae, the little rounded hills are invariably found associated with them, though they are also seen in the recent flats, witnessing the sluggishness and slow retreat of

[7] *Prehistoric Races of the United States*, 121-2.

periodical flood waters by which they have been peculiarly eroded.[8]

A. C. Veatch has held the view that, of the many theories advanced concerning the origin of the low, circular mounds of the Mississippi Valley and Texas, three seemed to deserve the most careful attention, namely: (1) The spring and gas vent theory; (2) the dune theory, and (3) the ant hill theory. After reviewing these very briefly Secretary H. F. Bain, of the Washington Geological Society, concluded as follows:

> Of the theories of origin yet suggested, none are entirely satisfactory, and the dune and ant hill theories are the only ones well supported. If either of these hypotheses is correct, the mounds are indications of important climatic changes in very recent time. It was suggested that the matter should be approached by careful excavation of a number of these mounds at widely different points in order to determine the relation of the mounds to the beds which underlie them and the soil surrounding them.[9]

In a paper upon this subject, Dr. J. C. Branner described the so-called "natural mounds" or "hog wallows" of California, Oregon and Washington and enumerated the theories most commonly advanced as to their probable origin. Referring to the common occurrence of mounds of the same character in South America, Doctor Branner continued:

> Similar mounds occur in many places and covering large areas over the flat prairie lands along the eastern slopes of the Andes in the Argentine Republic. I used to think the Argentine mounds were of aeolian origin but, while some mounds are evidently made in this way, the explanation is not satisfactory for the great bulk of them.

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[8]"A preliminary Report on the Hills South of the Vicksburg, Shreveport and Pacific Railway:" *Bulletin of the Louisiana Experiment Station*, Part 2, p. 106.

[9]*Science*, New Series, XXI, 350-1.

On the theories spoken of above, the ant hill theory seems to be the most plausible, but with our present knowledge it is far from satisfactory.[10]

In commenting on the paper of Veatch, Dr. E. W. Hilgard stated that he had made many excavations and continued as follows:

> Having just previously investigated the mud-lumps of the Mississippi Passes, my first conjecture was that of mud-spring origin; but the total absence of the characteristic "onion" structure of such mud-spring cones at once made me abandon this hypothesis. The total absence of any regular structure or stratification, such as characterizes all dune or other wind-drift structures, equally excluded these, as well as water erosion, since the soil and sub-soil of the surrounding prairie are quite distinctly in horizontal layers. I, therefore, . . . considered their ant-hill origin as the only reasonable explanation; raising the question as to how the once teeming population of these vast areas came to be destroyed. Climatic changes suggested themselves to me, but the present existence of ant villages in the adjoining state of Texas seemed to negative this assumption also.
>
> A number of years afterward, I was forcibly reminded of the inutility of supposing climatic changes to have occurred when, having camped in the Yellowstone Valley after nightfall, on a convenient elevation above the sodden ground, I was put to precipitate flight by an army of large ants issuing from beneath my rubber mattress. Daylight observations revealed to me the counterparts of the Louisiana mounds, only, as a rule, less thickly grouped than on the Louisiana prairies; and on excavating some of those mounds which had been deserted by their aggressive inhabitants, I noticed precisely the same structureless earth I had seen on the Opelousas Prairie, only this time traversed by the half-obliterated burrows, which in the Louisiana

[10] *Ibid.*, 514-6.

mound-fields were almost wholly imperceptible, or at least undistinguishable from the old root-tracks.

It therefore seems to me that the question of the Louisiana mounds resolves itself into a biological problem, viz., what kind of an ant might have built up these elevations and what causes might have operated to depopulate them. For, if mud-building ants now live in both Texas and Montana, it is hardly necessary to call in climatic changes to account for the facts.[11]

W. J. Spillman, of the United States Department of Agriculture, wrote of these mounds as follows:

These mounds are exceedingly numerous in Southwest Missouri, also. They are a characteristic feature of the landscape in Lawrence County, Missouri, (second tier of counties from Kansas and from Arkansas), where the writer lived for many years.

They are abundant both in the timber and on the prairies, but are more noticeable on the prairies because of the fact that on them the prairie grasses give place to taller forms of vegetation. Before the lands were put in cultivation these mounds were from one to three feet high and usually twenty to thirty feet in diameter. On newly reclaimed lands, crops grow much more luxuriantly on the mounds than elsewhere. Corn is usually the first crop planted on new lands in that section and it is usual for corn on the mounds to grow nearly twice as tall as on the surrounding areas the first year. This difference in growth gradually disappears as cultivation continues.

These mounds have probably originated from different causes in different regions. In Southwest Missouri their origin is probably due to the following causes: The soil of the region has been formed by the decay of the great sub-carboniferous limestones. Where these strata are ex-

[11] *Science*, New Series, XXI, 551-2.

posed in cliffs there may occasionally be found concretions of flint several feet in diameter. The flint is broken into rather small fragments, which fall apart more or less when the surrounding limestone disintegrates into soil. The flint resists disintegration far greater than the limestone. These masses of flint fragments later become prominent mounds by the more rapid denudation of the surrounding soil containing comparatively little flint. This theory is strengthened by the fact that the material forming the mounds to the depth of several feet consists very largely of small flint stones.[12]

In a contribution to *Science,* Prof. A. H. Perdue reviewed several of the theories which had been advanced as to the origin of these mounds and rejected them all, including the ant-hill theory. In describing the mounds, he stated that they "always occur on clay soil," which is at variance with the observations of other investigators, and he concludes by suggesting that the mounds may be due to the lifting of the underlying shales by some unknown force.[13]

D. I. Bushnell, Jr., who was at one time connected with the Peabody Museum of Harvard University, has also contributed a brief paper in which he gave some details of his own experience and observations in excavating some of these small mounds:

> Both papers to which I have referred (i. e., those of Messrs. Veatch and Branner) mention the mounds as existing as far north as the Arkansas, but do not allude to the numerous groups which occur in Missouri. These are of a similar form and size and a description of one group appears to be applicable to all.
>
> About four years ago I had occasion to excavate many small mounds that stood on the site of the World's Fair in St. Louis. They formed two groups, one on the ridge, the

[12] *Science,* New Series, XXI, 632.
[13] *Science,* New Series, XXI, 823-4.

other, not more than six hundred yards distant, was in the lowland on the bank of the small River des Peres. All the mounds of both groups were of uniform size and were considered as being the same in every respect. But when excavated those on the ridge were found to be ruined habitations. The original surface, which had served as the floor, was readily distinguished. Near the center was the fire-bed with ashes and charred wood, worked flint and many small fragments of cloth. Marked pottery was also found on the same level. The mounds of the lower group were likewise examined, but, unlike the others, nothing was found to indicate their origin or use. It will thus be seen that the same theory of origin will not apply to mounds of the same size and appearance when only a third of a mile apart. How unreasonable it is, therefore, to attempt to apply the same theory to those several thousand miles distant from one another.

I have already mentioned the large groups that exist in Missouri. In Dallas County, in the southern part of the state, they are particularly numerous; many extend in parallel rows along the water courses in the lowlands and others, hundreds, occur in rows on the western slopes, while comparatively few are found on the eastern. Many of these mounds were examined but nothing was discovered to shed any light on their origin; they resembled the lower of the two groups on the fair site, to which I have already referred.

Probably if these small mounds were not so numerous the question of their origin would never have been raised and they would have been considered, together with the larger mounds, as having been made by man, but the question of number should not influence the decision. It is doubtful if the combined bulk of all these small mounds in the Mississippi Valley is more than equal to that of the one great mound of the Cahokia group.

Without conclusive proof to the contrary, I feel that the most plausible theory of the origin of these small mounds, in Missouri and other localities where they occur under similar conditions, is that they were made by man, probably to serve as elevated sites for habitations.[14]

In reply to Bushnell's discussion above quoted, Veatch wrote as follows:

The writer has assisted in the excavation of a number of Indian village sites and mounds in Indiana and Kentucky, and has observed and described Indian mounds and village sites occurring in various parts of Louisiana, and feels that the theory of human origin is in no way applicable to the great class of natural mounds which he has observed in Louisiana, Texas and Arkansas and along the Iron Mountain Railroad in Southeastern Missouri. The idea of human origin suggests itself at once to every observer, and it strongly attracted the writer when he first examined these natural mounds in Louisiana in 1898, but a more extended study showed such a hypothesis to be entirely indaequate. Opposed to this theory are the following facts: (1) The natural mounds in many cases do not occur in situations favorable for camp sites. (2) They often occur in elevated locations where there is absolutely no reason for artificial elevated sites for habitations. (3) Regarded as ruined habitations or wigwam sites, it is very important to consider their vast number and the extent of territory covered. On this basis they would indicate, in many parts of Louisiana and Texas, an intensity and multiplicity of life not now duplicated in any rural community in the world. The sustenance of such vast communities would be entirely beyond the capabilities of the people who built the true Indian mounds. (4) The natural mounds generally occur on the poorest land in the northern Louisiana region, and this fact is strongly opposed to any agricultural significance.

[14]*Science*, XXII, 823-4.

> No one doubts that there are numerous Indian mounds throughout this region, but the natural mounds belong to an entirely different class and should not be confused with the artificial ones.[15]

He has enumerated different theories of possible origin, grouping them under five general agencies, namely: (1) human; (2) animal; (3) water erosion; (4) eruptions; (5) wind action. At that, he did not mention glaciation or seismic action and several other theories which have not lacked for advocates. Veatch closed his discussion of this subject in the guarded language of a careful scientist as follows:

> In conclusion it may be said that these mounds are clearly due to causes not now in operation in this region, and no theory as yet suggested is entirely satisfactory. The dune and ant-hill theories are perhaps the best supported. On either of these hypotheses the mounds are indications of important climatic changes in recent time, and so offer a line of investigation which may develop important and far-reaching results.[16]

A paper by Marius R. Campbell, on the subject of "Natural Mounds," was published, in which, after enumerating eleven different theories, the writer proceeded by the process of elimination to dispose of most of them, continuing as follows:

> The case is now narrowing down to two modes of origin, namely, human construction and the action of burrowing animals.
>
> Although much has been written regarding the human origin of these mounds, the arguments against it are so strong that it may be classed with the other hypotheses which have been disregarded. It is doubtless true that simi-

[15] *Science*, XXIII, 34-6.
[16] "Professional Paper No. 46," *U. S. Geological Survey*, 1906, 550-9.

lar mounds have been erected by prehistoric man, but it is absurd to suppose that the countless millions of mounds which exist in the regions noted above (i. e., Texas, Louisiana and Arkansas) have been the result of human activity.

This disposes of all hypotheses except that which ascribes their origin to the action of burrowing animals; but whether the mounds are due to ants or to small rodents, the writer is unable to say. Personally, he inclines to the ant-hill hypothesis, but there is little or no evidence to determine which is correct. No burrows or chambers of any kind have been discovered in the mounds and, in the cases observed by the writer, no differences were observed in the character of the underlying clay which would indicate the former presence of chambers, even though they are now filled. No excavations were noted in the neighborhood which could have supplied outside material for the mound and, consequently, it was assumed that this material must have come from a long distance underground and the minute channels through which it was transported have been closed by material falling in from above or carried in by water in suspension.

The constructional feature is considered to have been proved in this particular case, but it remains to account for the agent that performed the work. It is believed, however, that careful work in trenching some of the best preserved examples of these mounds would furnish some evidence to determine this part of the question, but such investigations have never been undertaken, at least not on an extensive scale.[17]

The natural mounds, so-called, of the Puget Sound region have been discussed in considerable detail by M. J. Harlen Bretz in his paper entitled, "Glaciation of the Puget Sound Region."[18] Of the

[17] *Journal of Geology*, XV, 708-17.
[18] *Bulletin No.* 8, U. S. Geological Survey, 81-108.

two types of mounds which he describes, one; namely, the Mima type (so called from their abundance on the Mima prairies) seems to have many chaacteristics in common with the prairie mounds of Eastern Oklahoma. His description was in part as follows:

> Where best developed, the open prairie, bearing mounds of this type, appears like a meadow dotted with haycocks. The mounds have a symmetrical, flowing outline, appearing to the eye to be segments of spheres, though their lower slopes blend into the adjacent ground with the surface concave upward. They range in height from those so little as to be just perceptible, to a maximum of seven or eight feet, and in diameter from six or seven feet to sixty feet or more. In any one locality there is a striking uniformity in the size of these mounds. Almost none exceed the dimensions prevalent in that locality, and few fall below.
>
> They are uniform in shape as well as in size. There is commonly an elongation so that one diameter exceeds the other at right angles to it by a small fraction. Two mound crests may be so closely placed that the bases blend, with only a saddle between the crests. The elongation, when present, does not conform to any definite orientation.[19]

Concerning the composition of the mounds of the Mima type, Mr. Bretz states that:

> A constant feature of the gravel outwash bearing the mounds is the presence of a black surficial silt. This silt is present in many places where no mounds are developed but is never lacking in mound-bearing areas. Road and railroad sections on several different prairies show that the mounds are composed of a mixture of loose gravel and black silt. The gravel below the mounds is stratified and free from the black silt. The transition between the mound material and the underlying clean gravel is sharp.

[19] *Ibid.*

A gravel pit, forty feet deep, is being worked in Mima Prairie by the Northern Pacific Railroad, in which cross sections of mounds are constantly being made. The black silt here has a thickness of but few inches between the mounds. In the mound sections, however, the silt is seen to descend lower than in the intermound spaces, giving, with the mound profile a distinct double convex lens shape to the black silt aggregation.

The lower limit of the silt in the Mima sections in many places has broad, blunt, root-like downward projections, seldom more than a foot in length. These bend abruptly here and there in the of the section or appear as patches of black silt in the gravel just below the mounds, where the section crosses their direction of bend.

The explanation of the Mima type mounds of Vashon outwash of Puget Sound glaciation is believed to lie in some combination of water and ice action under the limitation imposed above, such combination being unique so far as the writer is aware. Details of this explanation can probably go no further until observation has detected the formation of similar deposits in the outwash of existing Piedmont glaciers or ice sheets.[20]

In the introductory chapter of his paper entitled "Mound Explorations," Cyrus Thomas wrote as follows concerning house sites and hut rings:

The works to which the latter of these names is applied are usually small rings or circles of earth from fifteen to fifty feet in diameter, the enclosed area being more or less depressed. This name is given them because it is now conceded that they are the remains of circular houses or wigwams. In Arkansas and other southern sections these ruins appear to be replaced by low, flattened, mostly circular mounds, in which are found the indications of remains of

[20] *Ibid.*

houses which in most cases appear to have been consumed by fire. To these and other similar remains, though not covered by mounds, the name of "house sites" has been applied.[21]

Under the head "hut rings" Mr. Thomas gave a detailed description of such remains as he found and examined them in the Dakotas—evidently the ruins of long deserted village-sites of the Arikara and Mandan Indians:

In the counties of Scott and Mississippi, in Southeastern Missouri, apparently at the point of transition from the one form to the other, he found numerous specimens of both in the same vicinity with larger mounds, describing them as follows:

The house sites or hut rings cover the remainder of the area. . . . They are not confined to the natural level of the enclosure, as some are found on the level tops of the [larger] mounds. They are circular in form, varying from thirty to fifty feet in diameter, measuring to the tops of their rims, which are raised slightly above the natural level. The depth of the depression in the center is from two to three feet. Near the center, somewhat covered with earth, are usually found the baked earth, charcoal and ashes of ancient fires, and, around these and beneath the rims, split bones and fresh-water shells. Often mingled with this refuse material are rude stone implements and fragments of pottery.[22]

George W. Featherstonbaugh, the British geologist and mineralogist, who made a scientific reconnaissance in Missouri and Arkansas, in 1934, under the auspices of the Corps of Topographical Engineers, of the United States Army, mentioned these small mounds only incidentally; yet, at that, he did what most subsequent writers failed to do, namely, recognized them as being the ruins of earth-covered habitations.

[21] 12*th Annual Report, Bureau of American Ethnology*, 31.
[22] *Ibid.*, 41.

> Lofty hills are found there, composed entirely of this material. On one of these I saw several large pits, twenty to thirty feet deep, and as many in diameter, resembling inverted cones, the insides of which were covered with broken chips of this beautiful mineral, some white, some red, some carmine, some blue, some quite opalescent. In and near these pits, round and long masses were scattered about, of a hard greenstone I had found in place eighteen miles distant, and none of them too large for the hand. They were, undoubtedly, Indian tools, and these were the quarries from whence the Indians had formerly obtained the materials they used for their arrow heads, and other weapons of offence. I found no arrow heads there, however, but subsequently on many of the alluvial banks of the streams in the country around, amidst the circular holes and mounds, where their now fallen mud cabins formerly stood, prodigious quantities of chips of the same material, and of broken arrow heads also, were strewed around; from whence it may be inferred that they resorted to the mountains for pieces of the mineral, and carried it to their villages to fabricate.[23]

In a paper entitled "The Clays of Arkansas," Dr. J. C. Branner briefly alluded to these small mounds, and expressed himself conservatively as follows:

> Over much of the prairie region there are numerous small spheroidal mounds, which are rarely more than two feet high or fifty feet across the base. They are different from the larger mounds of undoubted human origin. The origin of these mounds has been a great mystery to all those who have studied them.
>
> By some they are thought to have been built by Indians; others have considered them as having been built by ants; and still others have attributed their origin to natural agencies, as winds and waves.

[23] *Geological Report of an examination made in* 1834, *of the Elevated Country between the Missouri and the Red Rivers*, 70.

> The similarity in size, form and general appearances of these depressions and earthen rings to those of the earth lodges of the abandoned Mandon towns along the Missouri River, leaves no doubt that they mark the dwelling sites of the people who formerly occupied this locality.[24]

Gerard Fowke wrote of the small mounds in Minnesota and Wisconsin, his statements being that, in 1887, he had learned from an old Scottish trader and trapper named William Cameron, of an extinct aboriginal tribe designated in the traditions of the Sioux as the "Ground House People." Fowke's statement continues as follows:

> The "old men" of the Sioux corroborated this tradition and told Cameron that as they went westward they came to a race of people who lived in mounds which they piled up. These people were large and strong but cowardly. "If they had been as brave as they were big," said the Sioux, "between them and the Chippewas we would have been destroyed; but they were great cowards and we easily drove them away."
>
> Mr. B. G. Armstrong, of Ashland, Wisconsin, told me that he had taken great pains to investigate this tradition. From all that he could gather by much inquiry among the Indians and from his own observations, he was satisfied of the correctness. These people whom the Sioux called Ground House Indians built houses of logs and posts, over and around which they piled earth until it formed a conical mass several feet thick above the roof. Their territory extended from Lake Eau Claire, about thirty miles south of Lake Superior, to the Wisconsin River near Wausau or Stevens Point; down the Wisconsin a short distance; thence west into Minnesota, but how far he could not say; then around north of Yellow Lake, back to the Eau Claire region. The Sioux exterminated the tribe, the last survi-

[24] *Bulletin No.* 351, U. S. Geological Survey, 161.

vors being an old man and a woman who had married a Sioux. They were taken to the present site of Superior, or Duluth, and "died about 200 years ago"—that is, in the last quarter of the Seventeenth Century.

Gordon, an intelligent Indian, living at the town of the same name, a short distance south of Superior, was familiar with the tradition, as were other Indians, with whom I talked, and who accepted it as a well-known fact. Gordon related that he had heard "the old men" say these Indians erected their houses of wood and piled several feet of dirt over them; and they buried their dead in little mounds, i. e., small, timber-framed, earth-covered structures out in front of their houses and a few hundred feet away. He told of a mound that was opened near Yellow Lake in which the postion and condition of the skeletons, two or three children being among them, showed "as plainly as anything could" that they had been sitting or lounging around the fire, when the roof fell in and crushed them.

There is a "Ground House River" in Eastern Minnesota, which probably derived its name from this people.[25]

A. J. Conant, in writing of the archaeology of Missouri, advanced the theory that the small mounds of the states immediately west of the Mississippi were erected for agricultural purposes. His discussion of the subject is in part as follows:

There are evidences of tilling the soil, of quite a novel character, which still exist in prodigious numbers, not only in Missouri, but also in other regions west of the Mississippi. I have heard of but very few east of that river. These works consist of low circular elevations, generally two or three feet above the level of the natural surface or nearly so, sloping off gently around the edges. All that I have seen among the Ozark hills are composed of black alluvial soil and disclosed, when excavated, no implement or

[25] "*Archeological Investigations*," *Bulletin* 76, *Bureau of American Ethnology*, 172-3.

relic of any sort. Their presenec may always be detected in cultivated fields, when covered with growing crops, by the more luxuriant growth and deeper green of the vegetation. They abound in all the little valleys among the flinty hills of the Ozarks, from Pulaski County, Missouri, to the Gulf of Mexico, and westward to the Colorado in Texas, and as far north as Iowa. Their size in the hilly regions seems to be determined by the amount of rich vegetable mold which could be scraped together in a given spot. Residence sites they could not have been, or they would have contained some relic of stone or bone, or fragment of pottery, or at least the ashes of the family fire.

From all that can be learned about them, I see no reason to doubt that they were erected for agricultural purposes, and have therefore presumed to name them Garden Mounds.

It would seem perfectly natural, in a sterile country, and where the inhabitants had few materials for artificial fertilization, to gather into heaps the thin vegetable mold upon the surface, thus increasing its richness and capacity for retaining moisture. But the question may be asked, why should the same practice be necessary in the prairies and bottom lands, the richness of which is proverbial and inexhaustible? For answer we are not left to conjecture.

In the rich lowlands of the west, the chief difficulty is too much moisture, especially in seasons of unusual rainfall. This, the corn raisers in American Bottom know from repeated experience. Hence, acres of corn are often utterly ruined in such seasons, when planted upon low and level fields which have not ample artificial or natural drainage: when, had the earth been raised a few inches even in drills or mounds, such as have been described, a good crop could have been secured. An intelligent Iowa planter informed me that he had often seen this demonstrated in corn fields which were filled with these mounds. The low

> ground between them, if the season was usually rainy, would yield no returns, while upon the mounds themselves the crop would be excellent. From these considerations, there can be but little doubt that the garden mounds were raised for the better cultivation of maize, which was doubtless the staple article of ancient husbandry.[26]

In closing the presentation of the evidence and of the theoretical conclusions submitted by previous writers relative to the origin or possible cause of the formation of these tumuli, it would seem worthy of remark that, unanimity of opinion is not to be expected.

It is believed that the extracts herein submitted are sufficient to exemplify the wide diversity of opinion concerning the origin of these peculiar earth formations. However, it is scarcely to be hoped or expected that this word may be accepted as final upon a question which has so long been a subject of dispute.

In any event the writer will be pleased if this paper may lead to renewed interest and development of further information in regard to the theme.[27]

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[26]Switzler, *Illustrated History of Missouri*, 65-7.

[27]Although the actual excavation and most of the other field-work performed by the author in investigating this subject has been limited to Oklahoma areas, personal inquiries concerning the mounds of this type has extended into all of the other states in which they are of more or less common occurrence.

BOOK REVIEWS

OKLAHOMA IMPRINTS, 1835-1907: *A History of Printing in Oklahoma before Statehood.* By Carolyn Thomas Foreman. (Norman: University of Oklahoma Press, 1936. XXIV + 499 pp. Bibliography and illustrations. $5.00.)

No brief review can convey an adequate idea of the contents of this book. Within its 500 pages, which include a very comprehensive index, Mrs. Foreman tells the story of the pioneer printers in Indian territory, beginning with the Rev. Samuel Austin Worcester who set up the first press in 1835, and portrays, in detail, the development of printing and publishing in both Indian Territory and Oklahoma Territory down to 1907. On reading it one marvels at the amount of patient research through mouldy newspaper files, faded documents and other original sources, required for assembling the material for this book. And one's wonder grows as he notes the manner in which it is woven together in a manner that makes it absorbingly interesting. In the hands of a less skilled writer it might have been merely a compendium of dry-as-dust information, but Mrs. Foreman has made it a lively narrative, in which traces of her delicate sense of humor crop out.

It is almost unbelievable how much of the history of every newspaper published in the two territories during the period covered is compressed in this volume. Grouped by Nations in the Indian country and by counties in Oklahoma Territory, there is a thumbnail sketch of every paper, including date of first issue, owners, editors, changes in management and, frequently, excerpts from editorials and news articles which shed sidelights on the times. This book should be in every newspaper office in Oklahoma. It is equally valuable to public libraries and to the private reader. That it contains so much of vital interest in a compara-

tively small compass, is made possible by its unique arrangement and the author's marked talent in the art of condensation.

Mrs. Foreman's book is a most important and praiseworthy contribution to the history of Oklahoma in a field that is not covered by any other writer. In it we get illuminative glimpses of the personalities, many of them picturesque enough, back of books, pamphlets and newspapers that poured from our presses through the period in which Oklahoma was in the formative stage. Authentic and thoroughly readable, it will appeal to both the student and the general reader.

—George H. Evans.

Chickasha, Oklahoma

THE 101 *RANCH.* By Ellsworth Collings and Alma Miller England. (Norman: University of Oklahoma Press, 1937. XIV+ 249 pp. $3.00.)

To the average person there is something about a ranch that has a great appeal—pasture, ranch house, cattle, horses, men—all activity. The owner or manager draws inspiration from all this; it is inspiration. The cowboy rides daringly, hard, and in all kinds of weather. The visitor sees the romance, freedom, action, and feudal barons. The 101 ranch had in it everything that appeals to the layman and to the rancher. Doubtless there has never been any ranch in the world that had such varied activities; nor has any ranch better represented the transition, in Oklahoma, from the wild prairie to the highly mechanized farm. The authors have told the story of a great ranch, of a remarkable family, and most important to the student of history, the story of a period—an age or epoch.

Colonel George W. Miller, father of the Miller Brothers—Joe C., the farmer, Zack T., the cowman, and George L., the financier, and of Alma, the only daughter, who married William Henry England, was the founder of the 101 Ranch. Honesty and

integrity were his assets in the beginning; his fair dealings with the Ponca Indians enabled him first to help them select rich pasture lands along the Salt Fork in the Cherokee Outlet. This area became the ranch and farm that made the 101 brand and name known to millions of people both in America and in Europe. The decade of the seventies afforded an opportunity to buy cattle in Texas and to drive them north to fatten and be prepared for market. From a modest beginning the ranch grew to more than one hundred thousand acres—but this fact did not give origin to the 101 brand. That is another story.

Finally as the sons grew to manhood and maturity they aided their father and upon his death became responsible for the management of the ranch. Necessity of a diversified income led Joe to develop some of the best land into productive farms on which everything native to this area was raised. The best agricultural methods and machinery were employed to make a model farm.

When oil was discovered on the ranch lands more money poured into the common treasury until it looked as if all nature were at their service. They made money for themselves and were able and glad to share it with their friends and acquaintances in a generous hospitality which had its background in their Kentucky blood and in the proverbial ranch life. Visitors were always at the White House, the headquarters of the ranch. They came from all parts of the United States and foreign countries to see a great enterprise; they returned to their homes praising and admiring the hosts.

Then came a day when the ranch life of many areas began to disappear. The Miller Brothers organized—after experiments—the 101 show, with all the color of the West, which had no equal in its great days. The depression with its dark aspects and remorseless conquerings triumphed and the show came to an end.

Like so many financial structures deprived of financial support, the ranch and all its multiplied activities began to totter.

Death struck heavily and two of the Miller Brothers were removed from the management within a short time. The cowman Zack was left to carry the burden during the depression years; it was more than he could bear. The summer of 1936 witnessed the sad spectacle of the sale of the last belonging of the family after the assets of the ranch had failed. Thus passed Oklahoma's great show place, the Southwest's pride of a day long gone.

The book, *The* 101 *Ranch,* does credit to a student of ranch life, a lover of the open spaces, and a critical writer—Ellsworth Collings. He was ably assisted by Mrs. England. The records of the ranch were at their disposal; cowboys gave their contributions by letters and interviews; and, everyone permitted to do so, even the Indians who loved the ranch, added his bit to make a great book. It is the most adequate portrayal of the transition from a great cattle country to the modern small farm that has been written for Oklahoma—or, for that matter, the whole Southwest. The press of the University of Oklahoma has been fortunate in publishing such a book well illustrated and documented. Every Oklahoman and all others acquainted with the name 101 ranch should read it.

—M. L. Wardell

University of Oklahoma

PRATT: THE RED MAN'S MOSES. By Elaine Goodale Eastman. (Norman: University of Oklahoma Press, 1937. 285 pp. Bibliography and illustrations. $3.00.)

Elaine Goodale Eastman in her *Pratt: The Red Man's Moses* has presented the story of a life that remained a sustaining force in the epic period of westward expansion and achievement of the American Nation. The book is the eleventh in the Civilization of the American Indian series published by the University of Oklahoma Press. Mrs. Eastman has written not only of a great character, General Richard Henry Pratt, whose influence left a deep impression on the historical background of Western Oklahoma,

but she has also given glimpses of life at the military posts of that region during the last Indian wars. For these reasons alone, Mrs. Eastman has made a valuable contribution to Oklahoma history. However, her volume goes farther, reviewing the whole subject of Indian education and accomplishments in that field, particularly among the Plains' tribes and the reservation Indians of other states. She has also discussed present day aims and methods in Indian education. Her own comments revealing her personal views on the subject are by no means the least valuable part of her book.

Mrs. Eastman's experience has specially fitted her with first hand knowledge of her subject. In 1883, she began teaching in the Indian service at Hampton Institute, Virginia; in 1891, she was married to Dr. Charles A. Eastman, the noted Sioux physician and author. From the beginning of her teaching career, she remained a close friend of General Pratt and his family, deeply interested and enthusiastic in his educational efforts. Summing up the life of her subject, she wrote (p. 263): "The long, full life of Richard Henry Pratt divides into four periods of approximately equal length. From 1840 to 1860 the sturdy boy, early left fatherless, was growing up against a frontier background. The next twenty years embraced his active service in the Federal army, from private to captain, facing southern troops at first; later, both white outlaws and hostile red men. There followed a notable quarter of a century as founder and head of a unique school, planned to build and confirm a lasting peace. The final score of years succeeding his forced retirement form a significant afterpiece, rounding out his message to posterity."

In 1875, Captain Pratt was under orders of the War Department to conduct seventy Indian prisoners of war (Comanche, Kiowa, Cheyenne and Arapaho) from the Indian Territory to Fort Marion, at St. Augustine, Florida. Dirty, ragged, morose, in chains, despairing the life of their people a lost cause, the prisoners epi-

tomized the lowest ebb in the life of their tribes. Arriving at Fort Marion, that ancient Spanish stronghold the very appearance of which denotes cruelty, the seventy began their three year term of imprisonment. Captain Pratt remained in charge. Although every inch the soldier under orders of his superiors in the service yet his compassion and good sense, together with his devotion to Christian ideals, turned the period of dark incarceration for the "savage warriors" to one of light.

Chains were ordered removed. Wholesome food and clean, cool sleeping quarters were provided. Periods of exercise in the open and of definite work each day were assigned the prisoners. Personal cleanliness and neatness of their army uniforms, both appealing to the innate pride of the Indians in their appearance. Mrs. Eastman continued the story: "The little band of defeated patriots had endured impassively enough the black looks and derisive yells that punctuated every stop on their dolorous journey [by rail to Florida]. Now all was changed. Their neat and soldierly appearance, willing industry and general good spirit called out the friendly and admiring response that Pratt had confidently anticipated. He wisely encouraged the visitors, giving them full opportunity not merely to observe but to meet and talk individually with the prisoners, to the end that each might see in the other a man like himself."

Mrs. Pratt and other qualified persons volunteered to teach the prisoners, some of whom were sixty years old, how to read and speak English. Harriet Beecher Stowe, the famous author, who visited one of these classes afterward wrote, "There were among those pupils seated, docile and eager, book in hand, men who had been foremost in battle and bloodshed . . . The bright smile on the swart face showed the joy of a new idea. There was not a listless face, not a wandering eye, in the whole class."

Pratt himself is quoted further: "I lived much with the prisoners. My office in one of the casements of the old fort was al-

ways open and they were welcome. Some, especially the older men, were invited and frequently visited in my home, where we talked more freely. I found among them *admirable principles of life and service."*

Possessing the mind, character and sympathy to prove his own faith and convictions in Indian education, General Pratt's success with his charges at Fort Marion resulted in the founding of the famous Indian school at Carlisle, Pennsylvania, in 1879, the forerunner of such well known educational institutions for Indians as Haskell, in Kansas, and Chilocco, in Oklahoma.

It is a fact, admitted by few, that the red man as a race has been the pioneer—a human laboratory, as it were—in the fields of governmental and educational experiment. All who hold dear the welfare and progress of their country should read Mrs. Eastman's book if for no other reason than to retain confidence and hope in the ultimate victory of humanitarian efforts among its citizens.

—Muriel H. Wright

Oklahoma City, Oklahoma

State Control of Local Finance in Oklahoma. By Robert K. Carr. (Norman, University of Oklahoma Press, 1937. XIV+ 280 pp. $3.00)

This book could bear no other title and be the same, but if it might be known as the *Handbook for Public Officials Concerned* with *Financial Affairs,* there would doubtless be more readers. The chapter headings are sufficient in title to determine the points discussed. Any official or layman can select his own and read profitably.

The historical background of the State of Oklahoma is a complex one. Composed of two wholly distinct parts, varied in climate and resources, and probably over-populated, the state presents a social-political study which few of its citizens understand.

These facts might well be given attention by officials such as those of the county and state who have charge of public funds. Surely this is not expecting too much of public servants who assess millions and millions of dollars for the state's income; those who are responsible for spending it should be thoroughly acquainted with conditions set forth in this book.

The lack of information on the part of local officials concerned with finances, as proved by the author, is astonishing. It is little wonder that local problems in finance are not better solved. Those officials have but little conception of the state program by way of aid and service that may be rendered as well as the requirements made of them.

The chapter on "The Assessment of Property" should be read by every property owner in the state. If democracy is what it is thought to be, every individual paying taxes should know how assessments are made, not only of their own property but that of corporations within the county and state. Doubtless many persons have considered the assessment problem from their own viewpoint, but have given little or no attention beyond that. Moreover the author has compiled statistics to show that "Beyond the doubtful merit of long political activity, the great majority of assessors seemed to possess no significant qualifications for the office they were filling." (page 64) Yet the state's income is based upon the assessment made by such individuals whose technical training is certainly limited or wholly lacking.

The County Excise Board has undergone a change within the past few years, but evidently not many citizens know this and probably fewer know what it does anyway. Oklahoma has a Court of Tax Review. Its membership is composed of three distinct judges whose work is to consider budgets, protests, and work of the county excise board. The chapters dealing with these points are elucidating.

The general operation of local finance from its beginnings to the supervision and approval by state officials is the theme of the book. It is fact-finding and complete. Every county official who is concerned with county finances should read the book for information on the technical points of his position—and they are many. Every property owner would do well to acquaint himself with the workings of his state's local financial machinery. Mr. Carr has filled the pages with pointed remarks well documented. Whether the state profits by such a study will depend upon the use of the book. While the meetings of various state and county boards are held during the year some officials should recommend its being used as a text for adult education. The author is to be congratulated upon writing a technical book so the layman can understand it. —M. L. Wardell

University of Oklahoma

History of Methodism in Oklahoma: Story of the Indian Mission Annual Conference of the Methodist Episcopal Church, South, Volume I. By Sidney Henry Babcock and John Young Bryce. (Oklahoma City: Times Journal Publishing Company, 1937. 440 pp. $2.50.)

This interesting volume is a real contribution to the literature dealing with the religious history of Oklahoma. The authors have painstakingly traced the development of Methodist missionary endeavor among the Five Civilized Tribes from the early beginnings east of the Mississippi River down to 1906. Although a few errors have crept into the narrative, a worthwhile study has been made.

After the division of Methodism the authors devote their attention primarily to the work of the Southern Church as the Indian Annual Mission Conference which was formed in 1844 became affiliated with the Methodist Episcopal Church, South. An interesting feature of this volume is a detailed list of appointments to Missions, Churches and Schools from 1844 to 1906.

New light is thrown upon the careers of outstanding Methodists in the persons of Chief Samuel Checote of the Creeks, Chief John Ross of the Cherokees, John Harrell, John H. Carr, Willis Folsom, W. A. Duncan, and J. J. Methvin. The Christianizing and civilizing influence of Bloomfield Academy, Asbury Manual Labor School, Fort Coffee Academy, New Hope Female Seminary, Colbert Institute, Chickasaw Academy, and other mission schools is described. The varying vicissitudes of the church papers such as *Our Brother in Red, Indian—Oklahoma Methodist, Western Christian Advocate, Western Methodist, Oklahoma Methodist,* and *Southwestern Christian Advocate* are traced.

The effectiveness of the volume would be increased with the addition of a comprehensive index. However, there is a good bibliography and the illustrations are carefully chosen. This study should have an appeal to students of social history. It should also hold the interest of the casual reader of religious history. Herein is depicted the achievements of a great denomination among a splendid people in a new State.

—James W. Moffitt.

Oklahoma Historical Society.

Tepee Trails: Putting the Indian's Feet in the Jesus Road. By G. Lee Phelps. (Atlanta: Home Mission Board of the Southern Baptist Convention, 1937. 126 pp. $.35).

Beginning with a succinct account of his birth during the War Between the States and going through to a discussion of his work now as Secretary of Indian Missions for the Home Mission Board of the Southern Baptist Convention, this little book gives the very interesting story of the life and contacts of G. Lee Phelps, who has given thirty-five years of his life to "putting the Indian's feet in the Jesus Road." It has not been necessary for Mr. Phelps to rely on his memory for the incidents which he writes, because many years ago he formed the habit of keeping,

each year, diary with daily entries. In many places in the book he quotes from these diaries; in others he remarks that he has the material for his incident in one of them.

Such historic places as Fort Reno, the government agency at Darlington, and the old Creek Council House at Okmulgee are mentioned. Such well-known Indians as Bunnie, John, and Rolley McIntosh, William McCombs, Robert Carr, and many others crossed paths with Mr. Phelps in his thirty-five years' work with their people. Such other white missionary workers with the Indians as Isaac McCoy, H. F. Buckner, J. B. Rounds, Miss Mary P. Jayne, Robert Hamilton, and F. L. King are mentioned.

Tepee Trails has a great deal of information on the marriage, burial, and worship customs of the Indians, both the civilized tribes and the plains tribes, all of which, however, is given with the idea of showing the influence of Christianity in meeting heathenism. Although incomplete, a list of the native Baptist preachers of the various tribes should be helpful to any one wanting to do further study.

Tepee Trails was written primarily as a text for the missionary education of the young people in the Baptist churches. Nevertheless, it abounds in thrilling and interestingly-told stories which teen-age boys and girls and even adults will enjoy. It was never intended to be a scholarly study of Indian missionary activities; therefore it has no footnotes, bibliography, or index. Despite the lack of these items, there are many things in the book which will prove helpful to anyone making a serious study of this field of the development of our state. To even the casual reader it is a pleasure to travel with Mr. Phelps on his Tepee Trails, live with him under the open sky, suffer with him the many hardships, and rejoice with him as he sees some fruitage coming from his labors of thirty-five years. —C. O. M.

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

The regular quarterly meeting of the Board of Directors of the Oklahoma Historical Society convened in the Historical building, Oklahoma City, Oklahoma, July 29, 1937, at 10:00 A. M. with Judge Thomas H. Doyle, President, presiding.

The Secretary called the roll which showed the following members present: Gen. Charles F. Barrett, Dr. E. E. Dale, Judge Thomas H. Doyle, Judge Thomas A. Edwards, Dr. Grant Foreman, Dr. Emma Estill-Harbour, Judge Samuel W. Hayes, Judge Robert A. Hefner, Gen. William S. Key, Mrs. Frank Korn, Col. A. N. Leecraft, Mr. John B. Meserve, Mrs. Jessie E. Moore, Mr. W. J. Peterson, Mr. Jasper Sipes, Judge Baxter Taylor, Dr. Joseph B. Thoburn, Judge William P. Thompson, Mrs. John R. Williams, Judge R. L. Williams, and the Secretary, James W. Moffitt.

The reading of the minutes of the Board meeting held January 28, 1937, was dispensed with on motion of Judge R. L. Williams. Judge R. L. Williams presented for the archives of the Society a volume of genealogical data and correspondence of the late Judge Phillip Doddridge Brewer, from his widow who is now deceased, delivered to him by her during her life time to be ultimately placed in its archives. Judge Robert A. Hefner moved that this correspondence be so accepted, catalogued, indexed and placed in a vault. Motion was seconded and carried. Judge R. L. Williams presented for the archives a volume of papers relating to the late Jack (John E.) Love, to be catalogued, indexed and placed in a vault. Mr. W. J. Peterson moved that these papers be so received. Motion was seconded and carried.

Judge R. L. Williams presented a collection of material including a set of questionnaires from members of the Constitutional Convention, to be catalogued, indexed and placed in a vault, and asked that the Secretary be requested to get in touch with the family of Ben F. Lee and secure data relating to his life, also of Thad Rice and Jake Alderson. Motion that same be so received and that the Secretary be so instructed was seconded and carried.

Judge R. L. Williams read a letter from W. A. Chase and presented a medal to the Society which is a memento of the Presidential campaign of 1896. Colonel A. N. Leecraft moved that this medal be accepted and that an expression of thanks be tendered the donor. Motion was seconded and carried.

Judge R. L. Williams presented a photostat copy of a letter dated 1833, reminiscent of the early days in Texas, especially as to David Crockett, as related by N. C. Duncan, of Wheelock, Texas, a veteran of the Mexican War, which, upon motion duly seconded, was received with a vote of thanks.

Judge R. L. Williams presented to the Treasurer of the Society a check for $7.45, a refund of money paid out on the Robert M. Jones cemetery project. Judge R. L. Williams moved that the balance of the $460 set aside for the Robert M. Jones cemetery project, namely $383.42, be set over to the Sequoyah fund to be used by the committee composed of Judge R. L. Williams, Dr. Grant Foreman and Mr. W. W. Hastings as to matters pertaining to that. Motion was seconded and carried.

Judge R. L. Williams moved that John E. Tidwell be allowed $16 for traveling expenses heretofore incurred in soliciting funds for the Se-

quoyah memorial, to be paid out of the balance of the $383.42. Motion was seconded and carried.

Mrs. Jessie E. Moore reported on the restoration of the old Chickasaw council house at Tishomingo, and read a letter from M. C. Courtney, Professor of Industrial Arts of the Murray School of Agriculture, explaining what is to be done to complete the restoration of this building. Judge R. L. Williams moved that Mrs. Jessie E. Moore, Gen. William S. Key and the Secretary take this project up with the Works Progress Administration and endeavor to have this work done as a government project as a Chickasaw memorial. Motion was seconded and carried.

Judge R. L. Williams moved that the Hugo Chapter of the United Daughters of the Confederacy be requested to act as custodians of The Robert M. Jones Cemetery memorial. Motion was seconded and carried.

Colonel A. N. Leecraft moved that J. R. Emsinger be allowed to live in the custodian's house in return for his services as custodian until July 1, 1938. Motion was seconded and carried.

Colonel A. N. Leecraft read a letter from Mrs. G. A. Crossett regarding the restoration of a well of some historical note on her allotment, and asked the Historical Society to sponsor this project so that deed for this tract might pass to the Society as sponsor. Judge R. L. Williams moved that Col. A. N. Leecraft and Mrs. G. A. Crossett be appointed a committee to look after this and take title to this tract in the name of the Oklahoma Historical Society without the Society being responsible in any way financially. Motion was seconded and carried.

Colonel A. N. Leecraft requested that the Society accept as a loan two dresses owned by his sister Mrs. D. G. Dumas of Fort Worth, Texas without the Society being liable or responsible in any way. Mrs. Jessie E. Moore moved that the loan of these two dresses be accepted and a tender of thanks be rendered to Colonel Leecraft. Motion was seconded and carried.

Judge Samuel W. Hayes moved that the Society adopt a standard form for receiving loan of articles. Motion was seconded and carried. The Chair appointed Judge Hayes to prepare this form for the Secretary.

Mr. W. J. Peterson transmitted to the Society an autographed copy of Ex-Governor William H. Murray's Book entitled **The Rights of Americans** and moved that it be accepted and the Secretary be instructed to write a letter of thanks to the donor. Motion was seconded and carried.

Dr. Emma Estill-Harbour, chairman of the historical essay contest, read her report, setting forth the winners as follows:

Bob Newman, Tulsa, "Homestead," 1st prize	$25.00
Mary Catherine Sturgis, Oklahoma City, "Rt. Rev. Theophile Meerschaert," 2nd prize	20.00
Grace Boevers, Oklahoma City, "Biography of Isaac McCoy," 3rd prize	15.00
Helen Cinnamon, Garber, "True Stories of Experiences," 4th prize	10.00
Mary Margaret Hillard, Oklahoma City, "The 101 Ranch," 5th prize	5.00

Dr. Harbour moved the adoption of this report, the prize money to be sent to these students. Motion was seconded and carried.

Mr. John B. Meserve presented a picture of the Chiefs and leaders of the Creeks, gift of Mrs. Robert Fry, and moved that it be accepted and that the Secretary be directed to express our appreciation of this gift. Motion was seconded and carried.

The President presented Mr. Murray Gibbons, representative for the Oklahoma City chapter of the Daughters of the Confederacy, No. 1181,

who requested the use of the patriotic room and kitchenette for their meetings. Judge Samuel W. Hayes moved that there be appointed a standing committee of five whose duty it shall be to make recommendations and report on these rooms under consideration, and that this request of the Oklahoma City chapter of the Daughters of the Confederacy be referred to this committee to give a report. Motion was seconded and carried. The Chair appointed Judge Robert A. Hefner, chairman; Judge Samuel W. Hayes, Mrs. Frank Korn, Gen. Charles F. Barrett and Judge Baxter Taylor. Judge R. L. Williams moved, that until this committee reports and it is acted upon, that the Oklahoma City chapter of the Daughters of the Confederacy be allowed to use the kitchenette. Motion was seconded and carried and the motion was adopted.

Judge R. L. Williams discussed a large lake in Muskogee County that is being constructed by the Resettlement Administration and read a resolution asking the Historical Society to sponsor the name of Montfort Stokes Lake, in commemoration of the life of one of the greatest pioneers, public servants and personages in Oklahoma pioneer history, and moved the adoption of this resolution. Motion was seconded and unanimously carried.

Judge William P. Thompson moved that the election of a permanent librarian be postponed until the next regular meeting of the Board. Motion was seconded and carried.

Dr. Foreman tendered a manuscript which had been copied by Winifred Clark, purporting to be a copy of the Seminole laws, translated by G. T. Grayson and furnished the U. S. Indian inspector. Judge R. L. Williams moved that a committee consisting of Judge Robert A. Hefner, Judge Samuel W. Hayes and Dr. Grant Foreman be appointed to have the authenticity of this manuscript verified so that if accepted by the Society it can be admitted as evidence in the courts. Motion was seconded and carried. Judge R. L. Williams moved that this committee be authorized to present claim for expense incurred in this verification, to the Treasurer for payment. Motion was seconded and carried.

Dr. Grant Foreman transmitted to the Society the field notes of the survey of the Indian Meridian between the 5th and 6th standard parallels north in Oklahoma Territory, made by Richard Nevins, Jr., civil engineer and surveyor, the gift of Mrs. M. R. Tidwell, Jr., and requested that they be accepted and that the Secretary convey the thanks of the Society to Mrs. Tidwell. On motion, duly seconded, same was accepted and donor thanked.

Judge R. L. Williams moved that the Secretary be authorized to sign releases at the completion of the Robert M. Jones cemetery project and the Sequoyah house and wall projects, when a majority of the committee signs a statement that such projects have been completed. Motion was seconded and carried.

Dr. Grant Foreman presented to the Society a copy of the first issue of the **Indian Sentinel,** published at Webbers Falls, I. T., April 9, 1890. On motion, and second, same was accepted with thanks.

Dr. Grant Foreman made a report on the WPA project that is sponsored by the Society for indexing and cataloguing newspapers. He presented Mrs. Edith Clift, supervisor, who explained the need for more funds. Judge R. L. Williams moved that steps be taken to have $400 of the 1938 Funds appropriated for the Oklahoma Historical Society, transferred from Account No. 21 to Account No. 19 (Office Supplies) for the purpose of furnishing supplies for said WPA project, sponsored by the Oklahoma Historical Society, in addition to the supplies that are already on hand for this purpose. Motion was seconded by Judge Samuel W. Hayes and unanimously carried. Judge R. L. Williams moved that when these papers come in under this project that same be placed in a separate file

or compartment to be known as the Grant Foreman papers. Motion was seconded and carried unanimously. Dr. Grant Foreman presented the matter of back rent on typewriters, amounting to $22.50 and $36. General William S. Key moved that the Society pay one half of this amount, conditioned the University of Oklahoma pay the other half and that the Secretary write a letter to the University of Oklahoma to that effect. Motion was seconded and carried. General William S. Key moved that we authorize the Secretary to prepare a new project for the continuation of the Indian-Pioneer project, and that the Society will, as sponsors, contribute $150 and that the University will contribute a like amount, but, if the University refused the Society to proceed alone, and that we authorize the payment of same. Motion was seconded by Mrs. Jessie E. Moore and carried.

Mrs. John R. Williams, chairman of the portrait committee presented the portraits of Ex-Gov. M. E. Trapp, and Ex-Gov. William J. Holloway, and the photograph of Elmer E. Fulton, member of the Sixty-third Congress from Oklahoma, a gift of his wife; also the photograph of Mr. John B. Meserve. Upon motion, duly seconded, they were received.

Mrs. John R. Williams, chairman of the membership committee, presented the following list of applicants for annual membership in the Society:

Mrs. Pearl H. Austin, Chickasha; J. T. Bailey, Cordell; Elmer Floyd Banion, Independence, Kansas; Mrs. Lena F. Barnard, Tulsa; George Berchek, St. Louis, Mo.; Mrs. Ellen M. Caldwell, Fallis; Going Back Chiltoskey, Cherokee, N. Car.; Harry James Dougherty, Oklahoma City; Cornelia Eastland, Edmond; Dr. Lillian E. Fisher, Chickasha; J. I. Gibson, Oklahoma City; Mrs. W. W. Horne, Chickasha; Mrs. J. A. Hyndman, Chickasha; Leslie Kendall, Oklahoma City; Kathleen Kirk, Tulsa; Louise R. Klein, Oklahoma City; Mrs. Pearl M. Matheson, Akins; Mrs. Flora A. McCroskey, Oklahoma City; E. C. McMichael, Sulphur; Mrs. Margaretta Netzel, Chickasha; E. J. Phelps, Muskogee; E. F. Raasch, Bessie; Mrs. Eloise M. Roberts, Alva; Emmett Lee Rodman, Antlers; Mrs. Meta Chestnut Sager, Chickasha; Mrs. F. L. Schaub, Muskogee; Mrs. Oliver A. Sewell, Coweta; Mrs. Anna Peterson Shartall, Porter; Mrs. Ida May Sherman, Chickasha; Mrs. Pauline Simpson, Lawton; Mrs. Elsie Huey Stanard, Oklahoma City, S. F. Veasey, Oklahoma City. The name of Oscar E. Brewster, of Crescent, Secretary of the Cherokee Strip Cow Punchers Association was presented for honorary membership. Dr. Emma Estill-Harbour moved that they be received as members of the Society. Motion was seconded and carried.

Roy Caldwell of McAlester, presented a photograph of the late W. B. McAlester, which upon motion was accepted and the donor thanked for the photograph.

Mrs. Jessie E. Moore discussed the Commons diary and moved that the Secretary be directed to ask Senator Commons for permission to make photostat copies of his grandfather's diary of his trip to California. Motion was seconded and carried.

The picture of Col. A. N. Leecraft was presented; Dr. Harbour moved that it be accepted and that the donor be thanked. Motion was seconded and carried.

Upon motion of W. J. Peterson the meeting stood adjourned.

Judge Thomas H. Doyle, President,
Presiding.

James W. Moffitt,
Secretary.

J. HOWARD LANGLEY

NECROLOGY

J. HOWARD LANGLEY
1867-1935

J. Howard Langley was born on a farm in McDonald County, Missouri. His parents were William G. Langley and Jane Langley, nee Gist. Their forbears came from Georgia, Virginia, and North Carolina.

He attended the common schools of McDonald County, the high school at Southwest City, Missouri, and Scarritt College of Neosho, Missouri. His legal education was acquired by home study, aided by Sprague's Correspondence Law School of Detroit, Michigan. After securing his academic education, he taught school, and in 1891 moved to Adair, Indian Territory, where he engaged in the mercantile business. The same year the writer began the practice of law at Vinita. Shortly afterward the writer and he formed an acquaintance which ripened into a friendship lasting till his death.

In 1897 he was licensed by the United States Court at Vinita, Indian Territory, to practice law, after passing an exceptionally fine examination in open court. He located at Pryor Creek, now shortened to Pryor, at which place he practiced law until his death, part of the time alone, for a while as a partner with Judge A. C. Brewster of Pryor, and in late years as the senior member of the firm of Langley and Langley, of which the junior member was Harve N. Langley, a cousin, who survives him. As a lawyer he was successful with a keen sense of justice and a discriminating mind, he convinced himself of the justice of his client's cause, and sought to win by merit instead of by prejudice or persuasion.

Mr. Langley was married in the year 1894, to Miss Susan O. Brock of Siloam Springs, Arkansas, the daughter of W. C. Brock, and Martha Brock, nee Tacket. His widow and their daughter Mozelle Hadley, wife of Warren Hadley of Pryor, and a son, James Howard Langley, Jr., survive him. He left a small grandson, James Howard Hadley, to whom he was most devoted. As a kind and provident husband and thoughtful father his memory will long be cherished.

As a citizen, he was devoted to all forms of public welfare. Always active in church work, he was one of the original members of the Christian Church at Pryor, and to its upbuilding contributed means, out of proportion to his material wealth, and devoted his time and talents to the cause of religion and morality, till the day of his death. For many years he was Superintendent of the Sunday School connected with the Church of which he was a member. Though taking keen interest in public affairs, he was a candidate for office but twice, and was successful each time. Elected as a delegate on the Democratic ticket from the 65th District to the Oklahoma Constitutional Convention, he served the people faithfully, and was an honored member of the Committees on Contests, Preamble and Bill of Rights, Municipal Corporation, Judiciary, and Judicial Department, Ordinances, Separation of Races in Public Conveyances, and was Chairman of the Committee of the whole house on numerous occasions.

The Convention over, Statehood a fact, he returned to his law practice. When the United States entered the World War, since he was too old for field service, he entered with whole heart into home service, and acted

as a member of and legal adviser to the Council of Defense, during the period of the war, and earned from the War Department official recognition for distinguished service. He took a most important part in getting a court house for Mayes County built without a bond issue and at reasonable cost. While in the Constitutional Convention he named the County of his residence, "Mayes," in honor of a distinguished Cherokee family, which had furnished two principal Chiefs of the Cherokee Nation, one being his old time friend, Samuel H. Mayes, who preceded him in death.

When Tulsa wanted "purer and better water," it found a reservoir site in northeastern Mayes County, east of Grand River on Spavinaw. It required the acquisition of lands and his law firm was employed as counsel and attorney to conduct the necessary litigation. Langley, owing to his tact and personal friendship with the people generally, was soon able satisfactorily to adjust all legal differences, and there came into being Spavinaw Lake, furnishing its pure clear water to the people of Tulsa, and surrounding communities. Tulsa and the State may well be proud of Spavinaw Lake, and of his efforts towards procuring it.

In the campaign of 1930, Mr. Langley entered the race for nomination on the Democratic ticket for Justice of the Supreme Court of the State, from District No. 1. He won the race in the first and second primary, and was triumphantly elected in the general election.

In answer to a questionnaire submitted by the Honorable R. L. Williams, in his efforts at keeping track of the members of the Convention, some months before his death, his reply was "Elected to Supreme Court in 1930, took office January 12th, 1931, so completely wrecked myself in the campaign as to render myself wholly unfit for a creditable discharge of the duties of the office, and rather than half-fill the office, resigned February 2d, 1931. Thanks to our method of selecting the Judiciary." Could tribute more eloquent than this be paid to a life of devotion to public welfare?

The writer's wish is that the Langley conception of fidelity to trust. and the sacredness of public office may grow with the years, and become a political Shibboleth. His health gradually returned. In 1934, an agitation was started for the erection of three power dams on Grand River, one of which was located near Pensacola in Mayes County. When the Act creating an authority was passed by the Oklahoma Legislature, he was named a member of the Board by the Attorney General of the State. He qualified, was made Chairman, and went to work with all the ardor of youth, tempered by the discretion of age.

He put the importance and usefulness of the dam before the public in persuasive style, but did not live to see the fruition of his dreams. Had he lived to this day, his heart would have been made glad by a prospect, that may soon visualize into a reality. He fell asleep in death on Sunday night, October 27th, 1935, at his home in Pryor. On his bed, and by his hand was an open Bible, at Chapter 19 of the Book of Job. That chapter contains the following:

"For I know that my redeemer liveth, and that he shall stand at the latter day upon the earth:

And though after my skin worms destroy this body, yet in my flesh shall I see God."

He lived and died with faith in God, and in man's destiny.

He was scheduled to address the Lions Club at Pryor, in its organization meeting on the night following his death. He lies buried in the city cemetery at Pryor, on the grassy slope of a hill, overlooking the Grand River Valley to the east. His remains were followed to their last resting place by a large concourse of relatives, and friends, members of

the bar, court officials, and surviving members of the Constitutional Convention, the eldest of the last group being the writer, and the next in point of age, being Ex-Governor Robert L. Williams, now a member of the United States Circuit of Appeals of the 10th Circuit. A year later the Lions Club of Pryor held memorial services in the court room at Pryor, at which his old time friend, Thos. J. Harrison, read a sketch of the life of the deceased, and the Attorney General of the State, Honorable Mac. Q. Williamson, made a fitting address, and paid tribute to his memory. At that meeting a monument of native red granite procured by the Lions Club from Spavinaw, was uncovered in the southeast corner of the court house square, with a bronze memorial tablet. There was a large attendance of people from Mayes and surrounding counties, showing the esteem in which he was held by the people he so altruistically served.

A Pioneer, life's work, has been well done,
On grassy slope, they laid him down to rest,
To wait the dawn, and call of rising sun,
With faith sublime, good will to all mankind,
For State and Church, and home, he did his best.
A Pioneer, with race now run,
In life held fast, to faith Divine,
Whose creed, through all, was "work well done,"
His name will live, unmarred by time.
Kind words, good deeds, a shield will ever be,
Best armor here, and for eternity.

W. H. Kornegay.

Vinita, Oklahoma

JOHN YOUNG BRYCE
1863-1937

John Young Bryce, son of James Young Bryce and Mary Jane Broome Bryce, was born at Corsicana, Navarro County, Texas, May 5, 1863. His father was a Methodist preacher who started his ministry in Georgia in the summer of 1856 and sreved in Georgia, Texas and Arkansas before coming to the Indian Territory in 1868 as a missionary preacher and teacher. John Young Bryce commenced his life in Oklahoma when his father moved into the Indian Territory in 1868. He was appointed preacher in charge of Ft. Gibson and Tahlequah after the Annual Conference which met at Boggy Depot Oct. 15, 1868 had adjourned leaving that charge to be supplied.

The first Annual Conference Bryce attended was held at Ft. Gibson, Oct. 26, 1870. Bishop John C. Keener was the president. Dr. Andrew Hunter, who had been licensed to preach at an Indian Methodist Quarterly Conference held between the Arkansas and Verdegris Rivers near the old Creek agency and had become one of the leading preachers in Arkansas and Jerome C. Berryman, who was the first Superintendent of Missions for the Methodist Church in the Indian Territory, were visitors of the Conference. These men together with T. B. Ruble, Young Ewing, T. K. B. McSpadden, J. C. Robinson, D. B. Cumming, W. A. Duncan, James McHenry and Samuel Checote made a profound impression on him although he was a lad of tender years.

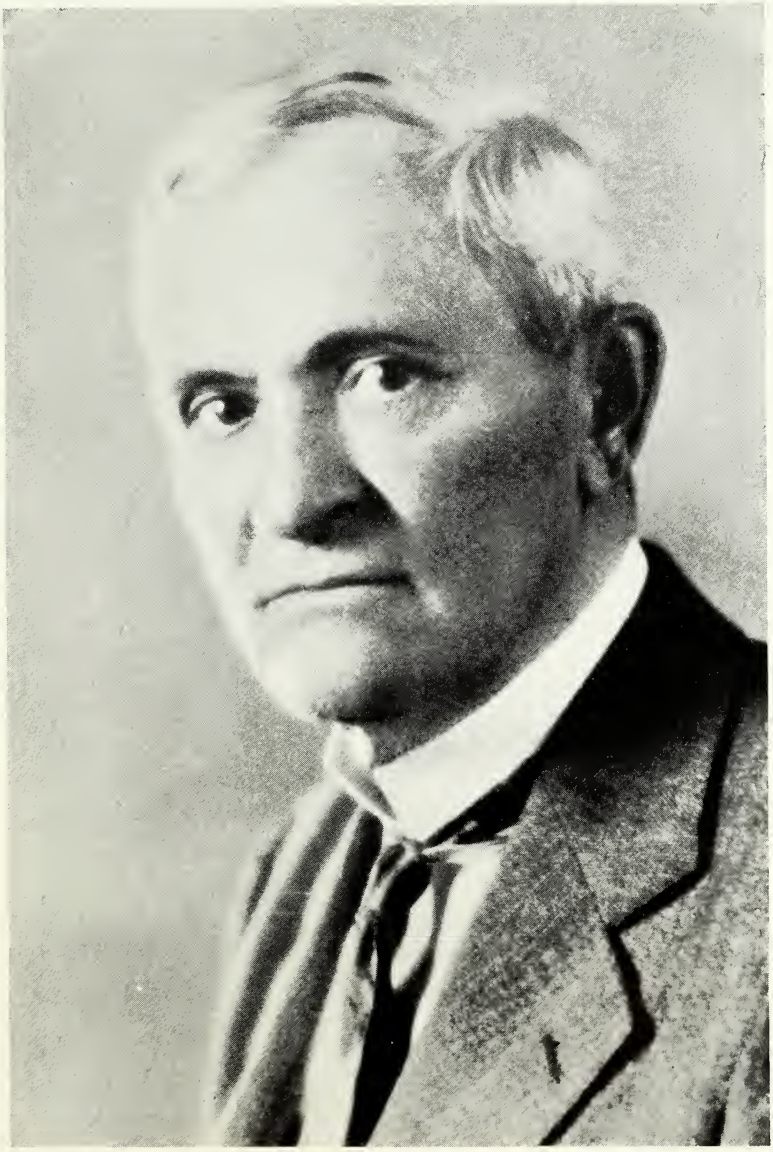
His education was started at old New Hope Academy where his father was Superintendent. He received such instruction as could be given in the Indian Territory at the time and finished his college work at Southwestern University at Georgetown, Texas.

The Reverend Mr. Bryce was married first to Miss Nettie C. French, who came from Iowa and was a governess in his father's home. She was the mother of his children: Giddings, Allison, Sam, John, Sue and Faye. She was his faithful companion and inspiring helper through the trying years of their early life and the greater part of his active ministry. She died in August 1927. His second marriage was to Miss Margaret Leek, a teacher in the public school system of Oklahoma City. She was a great joy and blessing to him during the last years of his life. She survives him.

John Y. Bryce followed in the footsteps of his father in the ministry, but had a chequered career as a preacher. He was three times admitted on trial into the Annual Conference. The first time into the Indian Mission Conference which met at White Bead Hill, Oct. 10-15, 1888. He passed regularly through the Conference courses of study being admitted into full connection and ordained deacon in 1890 and ordained elder in 1892. His service record for the first period was: Thackerville, 1888; Wynnewood, 1889; Lehigh, 1890; Conference colporteur, 1891; Checotah, 1892; Presiding Elder of Okmulgee District 1893-1894.

At the Conference of 1895 he was separated from the ministry and membership of the Methodist Episcopal Church South. However, he soon rejoined the Methodist church and was relicensed to preach. He served the church as a supply as Tishomingo in 1899; and Coalgate in 1900-1901.

In 1902 he was again admitted on trial into the Annual Conference, served one year and was discontinued at his own request. He had a large family. He was appointed to Nowata, a long distance from Coalgate. He deemed it best not to try to make such a move. He remained at Coalgate and edited and published a newspaper.



REV. JOHN YOUNG BRYCE

It was here that I first knew him and became interested in him, his life and history and previous service to the church. I asked him to take up again the work of a preacher.

In 1911 he was licensed to preach to a Quarterly Conference over which I presided. In 1913 his credentials were restored by the Annual Conference. That year he served Barnett Memorial Church as a supply.

In 1914 he was for the third time admitted on trial into the Annual Conference, the same Conference of which he had previously been a member though the name had been changed to East Oklahoma Conference. The charges he served during this tensure were: Hartshorne, 1914; Colbert and Calera, 1915; Wapanucka, 1916-1918; Kingston and Woodville, 1919-1920; Tishomingo, 1921-1922; Hartshorne, 1923-1924; Secretary of the Oklahoma Historical Society, 1926-1930; Norman Circuit, 1931. He was granted a superannuate relation at the Conference of 1932.

John Young Bryce was a man of parts, strong in mind and body, bold and unyielding in his convictions, loyal in his partisanship and to his friends; and faithful to his home and loved ones. He was independent. His independence was of a peculiar type. He was not nonchalant though he at times appeared so. Nevertheless he felt deeply, had a warm heart and profound concern as to both the general and special issues of life. He was bold, but in no sense a braggadocio. His boldness was for issues and principles, never for self interest. His heart and home were ever opened to his friends, but he hesitated to go to the home even of his best friend for fear he might cause some inconvenience. This independence caused him personal loss when a slightly different attitude would have netted personal gain and prevented personal suffering and injury. His preaching was marked by intelligence, sound reasoning and a warm evangelical spirit.

He was always active and aggressive. During the time he was separated from the ministry of the church, he owned, published and edited a weekly periodical. It was devoted to general news and interests, but was a special exponent of the faith of the demcratic party. He was a loyal Democrat all of his life. He served his party in local organizations, was sometime chaplain of the State Penitentiary and was Secretary of the Oklahoma Historical Society from 1925 until 1930. During the time he served the Historical Society he did a large amount of work. He edited the **Chronicles of Oklahoma,** made a survey of the historical spots of Oklahoma, recovered material for the general history of the State and added much to his collection of data for the *History of Methodism in Oklahoma.*

The East Oklahoma Conference at its session in 1926 requested him to prepare a *History of Methodism in Oklahoma* for publication. He did a prodigious amount of work on that task by carefully selecting and filing much material. Volume I of the *History* went to press a few days before he died. An official corrected copy is being presented to the Conference.

After his superannuation he did not quit work. His body showed great resistance. His eye never dimmed. He did all of the exacting work of research without the aid of glasses. He served as Chaplain at the Sub-Penitentiary, assisted in the State's Relief Program, was connected with a real estate office in Oklahoma City and preached regularly for a community church in the suburbs of Oklahoma City.

His custom was to begin every journey at sunrise. One day on the eve of our departure in a buggy drawn by horses on an all day trip to a Quarterly Conference, I said to him, "What time in the morning shall we start?" "Oh, about sunrise," came the familiar answer.

It was March 16, 1937, just at sunrise, that he stepped into a chariot, winged by angels, bound for Heaven. He lived a long, useful life and made a valuable contribution to both church and state.

—Sidney H. Babcock.

McAlester, Oklahoma

FRANKLIN H. REED

1880-1931

Franklin Hancock Reed was born in Geneva, Illinois, January 20, 1880, and died in San Francisco, California, October 8, 1931. His paternal grandfather, Edward W. Reed, was born in Fairfield County, Ohio, March 29, 1825, his father and mother having immigrated to Ohio in the early Eighties, from Maryland. He married Caroline C. Pontius about 1852, and after their marriage they moved to Adams County, Indiana, where they reared a large family. Here William Munds Reed, the father of Frank Reed, was born on December 9, 1855. His wife, Caroline, died at this place January 6, 1865, and he died there March 18, 1900.

Frank Reed's mother was Hannah Temperence Tedrick. She was born at Sharon, Ohio, January 25, 1855. Her great grandfather, Jacob Tedrick, was born in Germany in 1758 and came to America about the time of the close of the Revolutionary War and settled in Gurnsey County, Ohio, and died there in 1842. His son, Jacob Tedrick, was born in Gurnsey County, Ohio, February 15, 1787. Stephen R. Tedrick, son of Jacob Tedrick, Jr., Frank Reed's maternal grandfather, was born in Ohio, March 2, 1822. He married Lucinda Rachael Smith, and on January 25, 1855, Frank Reed's mother, Hannah Temperence Tedrick, was born. The Tedrick family was an old and prominent family in Ohio for three generations.

Frank Reed's father and mother moved from Indiana to Adams County, Illinois, in the fall of 1889. All of their children were born in Indiana, except the last one. In Morris, Illinois, his father owned and published a newspaper, "The Morris Daily Sentinel" in which office his son, Frank, worked, setting type and sometimes acting as reporter for the paper. William M. Reed was a Democrat in politics and his newspaper was democratic in its policies, though always liberal and progressive.

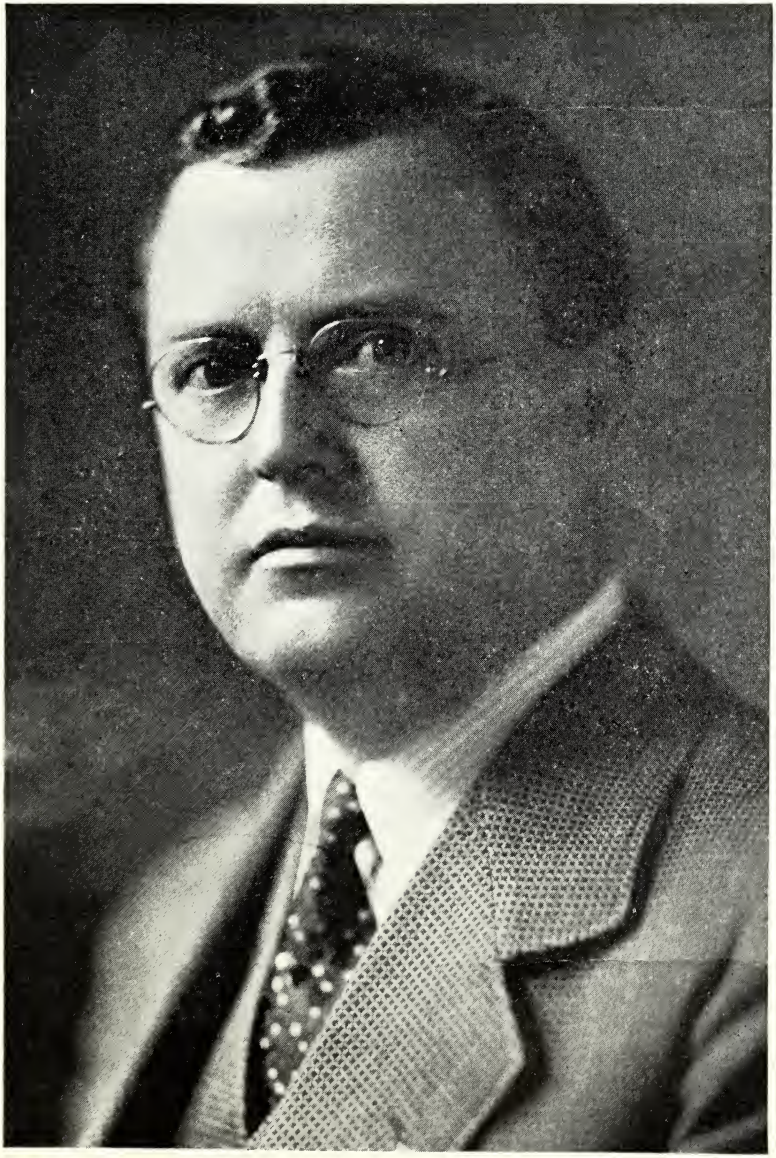
He and his wife moved to Tulsa, Oklahoma, in 1909, where they resided until their death. He died January 15, 1923, and his wife, Hannah, died March 9, 1926. The names of his children, in the order in which they were born, are as follows:

Charles V. Reed, now of Chicago, Illinois; Franklin H. Reed; Milo T. Reed of Wewoka; Ray W. Reed, now deceased; Anna Louise Reed, now Miller, of Michigan City, Indiana.

Frank Reed was educated in the Public Schools of Morris, Illinois. He studied law in the law office of E. L. Clover until 1905.

In 1905 he was married to Isabella Steep, of Morris, Illinois, and shortly thereafter moved to Wewoka, Indian Territory, where he continued the practice of the law with his brother Ray until 1917. During the time he was in Wewoka he enjoyed a very successful and lucrative law practice, and among his clients were many of the Seminole Indians and Freedmen. He was very closely associated with the Indians, who looked upon him as their friend and trusted advisor. Many of his Indian clients were unable to pay cash fees and Mr. Reed took land for the fees, the land at the time being of very little value, but later, due to oil development, contributed largely to his fortune, at one time estimated to be several million dollars. After he had established himself as a lawyer, he began to purchase and accumulate other lands, and at the time of his death he owned more than 14,000 acres of farm lands and oil properties in Seminole and other Oklahoma counties, the major portion of which are located in Seminole County. On much of the Seminole County land was developed large production, which is producing oil at this time.

He moved from Wewoka to Tulsa in 1917 and retired from the law practice to give his entire time and attention to taking care of his extensive oil holdings. He became connected with the Gilliland Oil Com-



FRANKLIN H. REED

pany, of Tulsa. He lived in Tulsa from 1917 until 1925, when he moved to Neosho, Missouri, where he made his home until his death.

Mr. Reed's hobby during his lifetime was wading pools and play ground equipment for children. He built and contributed about forty concrete wading pools for children in the states of Oklahoma, Kansas and Missouri. Wading pools were built in the following cities in Oklahoma: Ada, Ardmore (2), Blackwell, Claremore, Durant, Eufaula, Grandfield, Hugo, Lawton, McAlester, Muskogee, Oklahoma City (4), Okmulgee, Sapulpa, Shawnee and Tulsa (11). In his will he provided for a hundred thousand dollar trust fund with which to build other wading pools and provide playground equipment.

In creating the Trust Fund for the construction of wading pools, he provided for a Board of Trustees to be composed of seven men to have charge of the distribution of the funds resulting from the investment. Three of the Trustees were to be named by the Exchange Trust Company of Tulsa, one by the Supreme Court of the State of Oklahoma, one each by the District Court and County Court of Tulsa County, and one by the Federal Judge for the Northern District of Oklahoma. The funds used to build the swimming pools above mentioned, were contributed jointly by Frank Reed and his wife, as was also the Trust Fund. In no case was any financial interest retained in the pools by them, and no requirements concerning the naming of the pools were made, though in many instances the cities did name the park—"Reed Park."

Frank Reed and his wife had only one child, Edward F. Reed, now of Beverly Hills, California, but in 1917, while living in Tulsa, they adopted two little girls, Margaret and Mary Elizabeth Reed, who live with their adopted mother in Beverly Hills, California.

While in San Francisco, California, in route to Los Angeles, Frank Reed was stricken with cerebral hemorrhage from which he died.

He was a member of the Methodist Church from early manhood and always took an active part in the affairs of the church, and while in Wewoka was teacher of the Men's Bible Class. He was also a member of the Masonic Lodge and belonged to the Consistory at McAlester. He took an active part in the civic organizations in the community in which he lived. He was President of the Kiwanis Club in Tulsa and was a member of the Board of Directors of that organization during all the time he lived in Tulsa.

Frank Reed was of pioneer stock. His forebears were pioneers, always seeking the new and undeveloped country. This urge of the pioneer spirit brought him to the Indian Territory to make his fortune. He was a philanthropist and a benefactor and never forgot those who aided or encouraged him. As proof of the esteem which the Seminole Indians held for him, in August, 1932, the members of the Spring Baptist Church near Sasakwa, Oklahoma, held a special memorial service as a tribute to Mr. Reed, thus being the only one of its kind held by the Seminole in many years. He contributed freely to the Indian churches and other Indian charities. After Mr. Reed had made his fortune he prepared a list of some seventy Indians who had helped him when he was just getting started in business and provided that there should be paid to them monthly a substantial payment, sufficient for their livelihood. When he came to Wewoka he was a poor man and when, with the help of the Indians and good fortune, he prospered, he was willing to help those who had helped him. He had a genial and sunny disposition; was always courteous to his business associates, honorable and fair, square in all his business dealings. Oklahoma was honored in having Frank H. Reed as a citizen of the State.

—Chas. R. Freeman.

(Mr. Freeman, a resident of Checotah and a member of the bar, died since he wrote the foregoing.)

CHRISTINE FOLSOM BATES
1849-1937

On Friday, May 21, 1937, Christine Folsom Bates passed away at Durant after a brief illness of only two days. She was born on October 10, 1849 near Folsom Grove, about four miles northwest of Durant, and thus was almost eighty-eight years old. Practically all her long life was spent at various points within the confines of Bryan county.

Mrs. Bates was the daughter of Israel Folsom, a notable member of a very notable Choctaw family. Her father had risen to prominence along with his brother David Folsom, before the Choctaws removed from Mississippi to Oklahoma. In the old country he married Lovisa Nail, a member of another leading Choctaw family. They became the parents of thirteen children, the majority of whom lived to maturity and reared families, thus extending the Folsom clan until it became possibly the most numerous in the entire Choctaw nation. Israel Folsom, at first a minister of the Old School Presbyterian Church, later connected himself with the Cumberland Presbyterians because he was a believer in slavery and he himself was a large slave holder. He was also a pioneer promoter of education among his people, and particularly an advocate of the education of women. He saw to it that all his own daughters received the best schooling that his means and opportunities afforded. The advent of the Civil War interfered with the higher education of Mrs. Bates, though she was a woman of cultural interests and rather wide information.

At one time before the War, Israel Folsom lived on the Texas Road not far from Fort Washita. Mrs. Bates had a vivid recollection of the days when Fort Washita was in its prime. She has told the writer many times of going over to the Fort on Saturdays to see and hear Captain Braxton Bragg's artillery detachment hold its drill and practice. A few years later the Folsoms established themselves at a plantation called Elm Hill, southeast of Caddo. Here Christine Folsom spent the remainder of her girlhood. Here she lived during the dark days of the Civil War. At this home she remembered seeing some of the outstanding men of the period, who came there as friends of her distinguished father. She has told the writer of General Albert Pike, whom she remembered for his great leonine head and the white hair that hung down over his shoulders. Here she saw General Douglas H. Cooper, the last Confederate commander of the Department of Indian Territory. He came resplendent in his uniform and gold lace, driven by a Negro coachman dressed in rich livery and wearing a silk hat. Mrs. Bates saw this same General Cooper, after the War, sink to abject poverty and die in squalor out near old Fort Washita. The Indians believed—and Mrs. Bates among them—that this dire change of fortune was visited by Providence on General Cooper because of his alleged peculations in handling the funds of the Choctaws and Chickasaws as Indian Agent prior to the War between the States.

At Elm Hill in 1875 Christine Folsom was united in marriage by the missionary preacher, W. J. B. Lloyd, to Madison Bouton, a young white man from New York State who had come west to seek his fortune. A few years before, up on the Plains, he was shot through the body by an arrow in a fight with wild Indians. With the building of the Missouri, Kansas and Texas railroad he came to Caddo, which thereafter became his home. The marriage of white men to Indian girls aroused the antagonism of many of the Choctaw patriots of that day. Some think this was at the bottom of the tragedy that occurred in 1885, when Willie Jones, son of Chief Wilson N. Jones, met Madison Bouton on a Caddo street and shot him to death, apparently without provocation. Some years later, the widow married W. H. Bates who died in 1899. Both husbands sleep in the ceme-

tery at Caddo, where the remains of Mrs. Bates were laid in May of this year.

Shortly after the death of her second husband, Mrs. Bates removed to Durant, which became her home until her death. She was a firm believer in the future of Durant, and until the time of her passing was the owner of considerable real estate in different sections of the city. She was a charter member of the East Side Presbyterian Church, and retained her membership in that church and supported it until her death, though in later years she lived in another section of the city and was a regular worshipper and supporter of the First Presbyterian Church of Durant. Mrs. Bates had a wide interest in charitable activities, and was always liberal and helpful whenever human need was brought to her attention.

Mrs. Bates was the last surviving child of Israel Folsom. She left three children, all by her first husband: Will Bouton of Skiatook; Mrs. Annie Yarbrough of Durant; and Mrs. Nellie Ingram of Ada. There also survive her several grandchildren, besides a host of nephews and nieces and other relatives. The passing of this pioneer woman breaks one of the few remaining links that bind the present of this section of Oklahoma to its historic past.

—W. B. Morrison

Southeastern State Teachers College.

CYRUS ALEXANDER NORMAN
1829-1891

A worthwhile character and pioneer builder of the Indian Territory days was Cyrus A. Norman, who was born at Knoxville, Tennessee on December 28, 1829. His father, James Harvey Norman, a native of Virginia, when a young man, removed to Knoxville where he married Nancy Wiley, a native Tennesseean, and in about the year 1850 removed with his family to Cleveland, Bradley County, Tennessee, some thirty miles east of Chattanooga.

Cyrus A. Norman and Martha Jayne Clingan, a part Cherokee Indian were married on February 17, 1862. She was born in Cleveland, Tennessee on July 13, 1836 and passed away at Wagoner, Oklahoma on January 3, 1914. She was a wonderful woman and a wise and loving mother, an Eastern Star member and a loyal communicant of the Cumberland Presbyterian Church for many years. She was a great believer in the Golden Rule and thus a good and loving neighbor, beloved by all who knew her.

In the fall of 1872, the Norman family removed to the Indian Territory and settled in what is now Wagoner County, State of Oklahoma, where they engaged in farming and stock raising on a large ranch, situated six miles east of Wagoner.

Cyrus A. Norman was a member of the Masonic order and of the Cumberland Presbyterian Church for many years and practiced his professions. He was esteemed as a loving and faithful neighbor, and was the father of five children—four sons and one daughter, as follows:

James A. of Muskogee; Mrs. Mary J. McBride of Harlingen, Texas; Albert C. and Cyrus W. of Wagoner, and William B.—the youngest, who passed away while attending school at the Cherokee National Male Seminary at Tahlequah on April 4, 1885.

Cyrus A. Norman was a progressive citizen, a typical representative of the "Square Deal" of all things; for the democratic idea of economics and social security; for the greatest good to everyone. He was a man of the highest character and integrity, thereby helping to make the Nation and world a better place than when he came.

He passed away at Wagoner, Oklahoma, on March 13, 1891 and rests in the Riverside Cemetery, six miles east of Wagoner, beside his wife and son.

—J. A. Norman

Muskogee, Oklahoma

CHRISTOPHER COLUMBUS ERVIN

CHRISTOPHER COLUMBUS ERVIN
1848-1932

Christopher Columbus Ervin was born Dec. 25, 1848, Doaksville, I. T., the son of Calvin D. Ervin and Sallie Gibson Ervin. Her Indian name was "Abafukubbee." Calvin D. Ervin was teaching school in Gainesville, Alabama, when he met the Indian girl who became his bride. She was the great granddaughter of Hopia Iskitinia or Captain Little Leader. He was a great Indian warrior with the Choctaw tribe in Mississippi. The old buffalo horn spoon which he carried in the War of 1812 is in the Oklahoma Historical Building at Oklahoma City. He gave it to her as a keepsake when she moved from her home in Mississippi to the Indian Territory.

The Choctaw people were separated in clans, and Sallie Ervin was from the Hyah-Pa-Tusk-Kalo clan.

Calvin D. Ervin and his wife came over the "Trail of Tears" in 1832 to the Indian Territory. They settled in Doaksville, near the present town of Fort Towson. They lived there the remainder of their lives and reared a large family of ten girls and three boys.

Christopher Columbus Ervin was affiliated with the Republican party all his life. He served in many honorable positions in his country. When the Civil War came on, he was too young for service but he enlisted in the Confederate army and served until the close of the war. He was in Gordan's Regiment, Cabelle's Brigade.

He was United States Marshal for the Indian Territory in the early seventies, which place he filled with credit to his party and the people. He served under the honorable Judge Isaac Parker.

He served in the House of Representatives from 1890 to 1898. He was in the legislature when the Rock Island Railroad was surveyed. He helped to get the right-of-way.

He served as a scout for surveying the Frisco Railroad and also had the contract to furnish beef to the contractors for their men while building the railroad.

He bought a considerable number of court warrants in the Choctaw Nation at a discount and paid for them in cash. He carried thousands of dollars from one town to another in a small handbag. His mode of conveyance was by horse and buggy. He never thought of being robbed.

Christopher Columbus Ervin was married to Miss Lizzie Everidge, Sept. 27, 1885, at Goodwater, Oklahoma. His widow who survives him lives at the old home in Ardmore.

The following children survive him: Mrs. Viola Tillman, Hugo, Okla.; Mrs. Myrtle Page, Soper, Okla.; Mrs. Hattie Green, Tulsa, Okla.; Mrs. Pauline Hewitt, Dallas, Texas; Joe, Woodford, Okla.; W. P. Emmitt, M. H. and A. A., all of Ardmore, T. L. and Roy of Albuquerque, N. Mex. One sister, Mrs. Margaret Oakes, Soper, Okla. She is the only one of thirteen children living.

He was a true friend and a useful citizen. His home was a hospitable one. And seldom were they without company or loved ones around them.

His death marks the passing of another pioneer.

On Dec. 22, 1932, he was laid to rest in Providence Cemetery.

—Mrs. Thomas O. Kirby

Jericho, Texas

NOT NEEDED Stelle LaFlore Canter

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The Chronicles of Oklahoma

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EARLY PICTURE OF
CYRUS HARRIS, FIRST GOVERNOR
OF THE CHICKASAW NATION

The Chronicles of Oklahoma

Volume XV December, 1937 Number 4

GOVERNOR CYRUS HARRIS

By

John Bartlett Meserve.

Oklahoma has no more substantial citizenship than may be recognized among the erstwhile members of the Chickasaw Nation and their descendants who pause this year (1937) in thoughtful regard of their exiled ancestors who emigrated from Mississippi to the old Indian Territory, a century ago. The Chickasaws sold their lands in Tennessee and Kentucky to the United States Government, in 1818. In consideration for this cession, the United States paid each Chickasaw enrolled at that time $1,000 annually for twenty years. Such an income in those days was considered wealth and at the expiration of the twenty years the majority of the Chickasaws had money, lands, slaves and livestock, and to some extent an educated citizenship. The Chickasaws, in Mississippi, lived amid comfortable environs which their own efforts through capable leadership had made possible. These Indians had been unremitting in their fidelity to the United States Government, but finally were induced to abdicate their hereditary domain in Mississippi to placate the surge of white settlers which was overwhelming them. The "Promised Land" lay beyond the Mississippi.

The old Indian Territory became a traditional home of adventure wherein tribal characteristics and ambitions were to be preserved by effective separate grouping of the Five Tribes, the members of which were guaranteed the freedom to police their own tribal affairs. The Chickasaws had purchased a one-fourth interest in the lands in the West, obtained by the Choctaws in the

Treaty of Dancing Rabbit Creek, in 1830, and on arrival in the Indian Territory a joint government was organized with the Choctaws which proved unsatisfactory as the Choctaws were in such a large majority that the Chickasaws practically had no voice in the government. Through discerning leadership, the independent status of the Chickasaws was preserved from ultimate absorption by the Choctaws, by the tribal agreement made with that tribe at Doaksville, Indian Territory, on January 17, 1854, and the treaty of separation entered into at Washington, on June 22, 1855.[1] To effect more completely the independent status created by these agreements, the Chickasaws, in mass convention at Tishomingo, on August 30, 1856, adopted a formal written constitution embodying the principles of a representative form of tribal government. This organic law, modeled after the States, was in accord with similar action previously taken by the Cherokees and the Choctaws and to be taken by the Creeks, and was voluntarily undertaken in response to erudite leadership.[2] The Chickasaws had $2,000,000 in the United States Treasury at this time from the sale of their lands in Mississippi and as there were only about 5,000 Chickasaws enrolled, this sum was sufficient to afford a liberal education for each child in the Chickasaw Nation. For many years previous to this time the money received from the sale of lands in Tennessee and Kentucky had been used to educate the youth of their Nation. So when the Chickasaws established their constitutional form of government, they were quite competent to administer it. This valu-

[1] In consideration of the privileges provided in this treaty, which amounted to the right of self-government, the Chickasaws agreed to pay to the Choctaws the sum of one hundred and fifty thousand dollars. C. J. Kappler (ed.), *Indian Affairs, Laws and Treaties* (Washington, 1907), 706 *et seq.*

[2] It seems that almost immediately after the adoption of the Chickasaw Constitution, the tribal authorities entrusted it to one of their members to be taken to Texas for publication. The instrument was lost by the messenger and was never found. The Chickasaw Legislature remedied the situation in a called session by taking the rough draft of the original which remained in their possession and preparing it by their endorsement for publication. This was printed and distributed without further mishap. From the time of the loss of the Constitution until the meeting of the called session of the Chickasaw Legislature was a period of embarrassment to the Chickasaw Government. They were still under the old Choctaw-Chickasaw Constitution and had a fully constituted Chickasaw government without a Chickasaw Constitution.

able experience in government enabled a more intelligent participation in American life which lay in the future. The Chickasaws, since statehood, have contributed most effectively to capable leadership in the political life of the State of Oklahoma.[3]

The administration of political affairs of the new Chickasaw Nation under its new constitution was initially undertaken by Cyrus Harris,[4] who became its first governor, in August, 1856. His background is one of more than passing interest.

The collapse of the Jacobite Uprising in Scotland, fomented by the Scottish adherents of James the Pretender, in 1715, and the ensuing years of reprisal exacted by the English, influenced the emigration to America of many of the grim Highlanders. The inflow continued for many years. The first contingent of these people to settle in Georgia arrived at Savannah, in January, 1736, and among these earliest arrivals was young Logan Colbert. He doubtless came with the party led by John Mohr McIntosh which sailed from Inverness, Scotland, on October 18, 1735, on the ship "Prince of Wales" commanded by Capt. George Dunbar. Soon after landing at Savannah, courageous young Colbert abandoned the white settlement, ventured to the far West and settled among the militant Chickasaw Indians who then ranged along the eastern banks of the Mississippi from the mouth of the Ohio to the vast stretches of the lower river. It was an adventurous undertaking and his life story, if known, doubtless

[3] Among whom should be mentioned the late Charles D. Carter, for many years a Congressman from Oklahoma; Reford Bond, Chairman of the State Corporation Commission; Jessie R. Moore, a former Clerk of the State Supreme Court and today, a member of the Board of Directors of the State Historical Society and its Treasurer; Douglas H. Johnston, Governor of the Chickasaws since 1898, (with the exception of the term that Palmer S. Mosley was chief); Judge Earl Welch, a Supreme Court Justice; W. C. Lewis, United States Attorney for the Western District of Oklahoma; Ben Harrison, a Secretary of State; Otis Leader, a noted World War veteran; and former Governors Lee Cruce and William H. Murray, who became members of the Chickasaw Tribe by intermarriage.

[4] *The Indian Champion* (Atoka, Indian Territory), April 18, 1885; H. F. O'Beirne, *Leaders and Leading Men of the Indian Territory* (Chicago, 1891), I, 209; H. B. Cushman, *A History of the Choctaw, Chickasaw and Natchez Indians* (Greenville, 1899), 513 *et seq.* Under the new constitution the title of "Governor" was substituted for "Chief."

would be one of dramatic interest. He seems to have cultivated a sympathetic understanding with the Indians, married into the tribe and became a character of much prominence among them and a renowned leader in their wars against the French. The descendants of Logan Colbert in Oklahoma today, recall with much pride, the emigrant Scotch lad of the early days of the eighteenth century.[5] He met a tragic death at the hands of a negro slave who was accompanying him on a trip back to Georgia.

Major William Colbert, a son of Logan Colbert, became a famous war chief among the Chickasaws and early in life took an active part in the political affairs of the tribe. He represented his people at Washington, upon numerous occasions, and in the very early days, was received by President Washington, in Philadelphia. At the solicitation of Washington he led a contingent of Chickasaw warriors in support of Gen. Anthony Wayne at the battle of Fallen Timbers, Ohio, on August 20, 1794, against Little Turtle and the Northwestern Confederation of Indians. Major Colbert served nine months in the 3rd Regiment of United States Infantry in the War of 1812, concluding his military career by an effective participation in the war against the recalcitrant Creeks. As a commissioner from the Chickasaws, he was a signer of the treaty of October 4, 1801,[6] and the treaty at Washington, of September 20, 1816.[7] By the terms of the latter treaty, he was granted an annuity of $100 for the remainder of his life and was also styled a major-general. He also signed the Chickasaw treaty of October 19, 1818.[8] The major signed these treaties by mark, which would indicate his lack of any scholastic training, although he is recognized as a character of pronounced native courage, ability and fine judgment. Major Colbert married a Chickasaw Indian woman by the name of Mimey and lived at Tokshish, Mississippi,

[5] Though generally considered as a Scotch family, the Colberts were originally of French stock.

[6] Kappler, *op. cit.*, II, 55.

[7] *Ibid.*, II, 135 *et seq.*

[8] *Ibid.*, II, 174 *et seq.*

some four miles southeast of Monroe, and doubtless was largely instrumental in securing the establishment of the celebrated mission at that place. He was a contemporary of the famous Chief Piomingo of the Chickasaws, and passed away at an advanced age, sometime shortly before the Chickasaw removal of 1837-8.

An interesting character among the Chickasaws in Mississippi was Mollie,[9] daughter of Major William Colbert. As a young woman she married Christopher Oxbury, a mixed-blood Chero-

[9] The life story of Mollie Colbert, the attractive Indian princess daughter of Major William Colbert of the Chickasaws, is one of romantic interest. After the death of Christopher Oxbury, her Cherokee husband by whom she had several children, she married James G. Gunn, a wealthy English planter. Gunn was a native of Virginia, fought with the British in our war of the Revolution and after the war removed from Viriginia to the remote edge of white settlement and located among the Chickasaw Indians and in what is today Lee County, Mississippi. He never composed his disdain for the new United States Government and would suffer no observance of the Fourth of July to be held upon his plantation, although he thoughtfully observed the birthday of George III. He died in 1826. Rhoda, the only child of James and Mollie Gunn was famed as a celebrated beauty and of her engaging qualities much has been written. Perhaps the story which is handed on down, of her romantic marriage to Humming Bird, a Chickasaw warrior, is more or less legendary. From his home at Mill Creek, C. N., Gov. Cyrus Harris, on August 10, 1881, wrote an interesting letter to Harry Warren of the Mississippi Historical Society in which he narrates many interesting details, some of which divest the romance from this oft repeated story about the marriage of Rhoda. He says, "Molly Gunn, my grandmother, was the wife of the old man James Gunn, who died rich, leaving one child, Rhoda. She (Rhoda) died two years ago, on Red River (Indian Territory) at her half-sister's, who was my aunt, a full-sister of my mother and a half-sister of my Aunt Rhoda. My grandmother's first husband, my mother's father, was a Cherokee, named Oxberry. After his death, she married old man James G. Gunn. Rhoda married Samuel Colbert, a nice man, but they separated and she married Joseph Potts, a white man. He died during the Civil War (1862) by taking strychnine by mistake. He died at my house. Aunt Rhoda had two sons living, Taylor and Joseph Potts. Her first child by Sam Colbert was a girl named Susan. She married and went off and never was heard of since. Malcolm McGee was my step-father. He had one daughter by my mother and named her Jane. My sister Jane married Robt. Aldridge, a white man who lived at Tuscumbia, but after they came to this country (Indian Territory) he got so trifling she drove him off. He then went to Texas and died. They had one daughter who is yet living. Jane afterwards married a nice gentleman by the name of William R. Guy and soon after she and Mr. Guy were married they went after sister Jane's father, old man McGee, and had him with them at Boggy Depot, Chickasaw Nation, but he, being very old, lived but a few months after getting there. I saw the old man die and was at his funeral. Old man McGee was a little over one hundred years old when he died. He was a long time United States interpreter for the Chickasaws and it was said he could beat the Chickasaws talking their own tongue. Mr. and Mrs. Guy had nine children when Mrs. Guy died at Boggy Depot. About a year after her demise, Mr. Guy died at Paris, Texas, being there on a visit." Harry Warren, "Chickasaw Traditions, Customs, etc.," *Mississippi Historical Society Publications* (Oxford, 1898-1914), VIII (1908) 546 n.; Harry Warren, "Missions, Missionaries, Frontier Characters and Schools," *loc. cit.*, 587-8. E. T. Winston, "*Father*" *Stuart and the Monroe Mission* (Meridian, Miss., 1927), 50-51.

kee, a proficient interpreter and a person of high standing among the Chickasaws. They lived upon her comfortable estate three miles south of Pontotoc, Mississippi, where her daughter Elizabeth or Betty was born. Her interesting home stood upon an ancient mound, the highest point in that part of the State, and surrounded by 1,000 acres of beautiful table-land. All of her children were born there as well as her famous grandson, Cyrus Harris, who was born there on August 22, 1817. The identity of the father of Cyrus Harris is somewhat confused. He is reputed to have been a white man by the name of Harrison, the name being subsequently shortened to Harris. Elizabeth's marriage to him was of brief duration, as she soon left him and returned to the home of her mother, where her son, Cyrus Harris, was born. The father declined to remove with the Chickasaws, at first, although he later attempted to join his son in the old Indian Territory. Cyrus Harris declined to have anything to do with him. Elizabeth married Malcolm McGee,[10] very shortly but again returned to her mother at

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Among the nine children of Mr. and Mrs. William R. Guy above mentioned were William Malcolm Guy, who was born at Boggy Depot, on February 4, 1845, and was Governor of the Chickasaw Nation, in 1886-8; Cerena Guy, who married Ben W. Carter and became the mother of Hon. Charles D. Carter, a former congressman; and Mary Angelina Guy, who married Capt. Charles LeFlore and became the mother of Mrs. Lee Cruce, the wife of the second Governor of Oklahoma.

Mollie Gunn seems to have been a member of the Presbyterian Church at Monroe Mission, but the following disquieting notation appears in the old church records: "April 5, 1834, the following persons having been under suspension from the privileges of the church for a length of time and giving no evidence of repentance, but continuing impenitent, were solemnly excommunicated, viz: Mollie Gunn, Nancy Colbert, Sally Frazier, James B. Allen, Benjamin Love and Saiyo." Her father, Major Colbert, also appears to have run counter to church discipline as it appears from the same record, "September 7, 1834. Session convened and was constituted by prayer. Mr. William Colbert, a member and an elder of this church, having been cited to appear before the session to answer the charge of intemperance, appeared accordingly, and having confessed his sin, expressed deep contrition for the same, and promised amendment; the session resolved that it is a duty to forgive him after requiring him to make a public confession before the congregation and promising to abstain in the future. Concluded in prayer. T. C. Stuart, Mod. Examined and approved by Presbytery at Unity Church, March 7, 1835." The old major passed away a year or two later. See Winston, *op. cit.*, 40-41.

It is of interest to know that the Chickasaws had no clans as did most of the other tribes, but were distinguished by distinctive House names, the ancestry being traced back through the mother. Mollie Colbert and her descendants were of the House of Inchus-sha-wah-ya.

[10] Malcolm McGee, of Scotch parentage who had recently emigrated from Scotland, was born in New York City about 1757, his father having been killed shortly

Pontotoc.[11] Mollie sold her famous home about 1830, to Robert Gordon, who thereafter erected the spacious plantation home "Lochinvar" upon the site and where his son, Col. James Gordon, afterwards a United States Senator from Mississippi, was born. After the sale, Mollie removed with her children, including Elizabeth, to Horn Lake, in what is today DeSoto County, Mississippi, where she passed away shortly before the removal of the Chickasaws, in 1837-8. Elizabeth removed in the party with her son, Cyrus Harris, to the old Indian Territory, late in 1837, where she died some years later, at Mill Creek, at the home of her famous son.

The educational advantages of Cyrus Harris were very limited. In 1827, he was sent to the Monroe Presbyterian Mission, of which school Dr. T. C. Stuart was in charge. In the succeeding year, he was entered at a small Indian school in Giles County, Tennessee, under the tutelage of Rev. William R. McKnight. He returned home, in 1830, and after a few years' residence with his mother and grandmother, who were then living at Horn Lake,

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before, at the battle of Ticonderoga, in the French and Indian War where he fought with the Colonial troops. While he was quite young, his mother removed to and settled on the north bank of the Ohio River, in southern Illinois, at Ft. Massac, and immediately across the river from the Chickasaw country. McGee had no schooling, but served as an interpreter among the Chickasaws, for forty years. It is said, "He assumed the Indian costume and conformed to all their customs except their polygamy." He married Elizabeth, a daughter of Christopher and Mollie Oxbury as his second wife, about 1819, and had one daughter, Jane. Shortly thereafter Elizabeth left him, taking the child with her. The mother later returned the child and she was placed by McGee in the home of Dr. T. C. Stuart, to be educated at Monroe Mission. In 1849, Malcolm McGee removed from Mississippi to the old Indian Territory, where he lived at the home of his daughter, Jane (Mrs. William R. Guy), at Boggy Depot, and where he died on November 5, 1849. Cyrus Harris became the guardian of their minor children whom he reared and educated. For further details, see Winston *op. cit.*, 84 *et seq.*, and Cushman, *op cit.*, 509 *et. seq.*

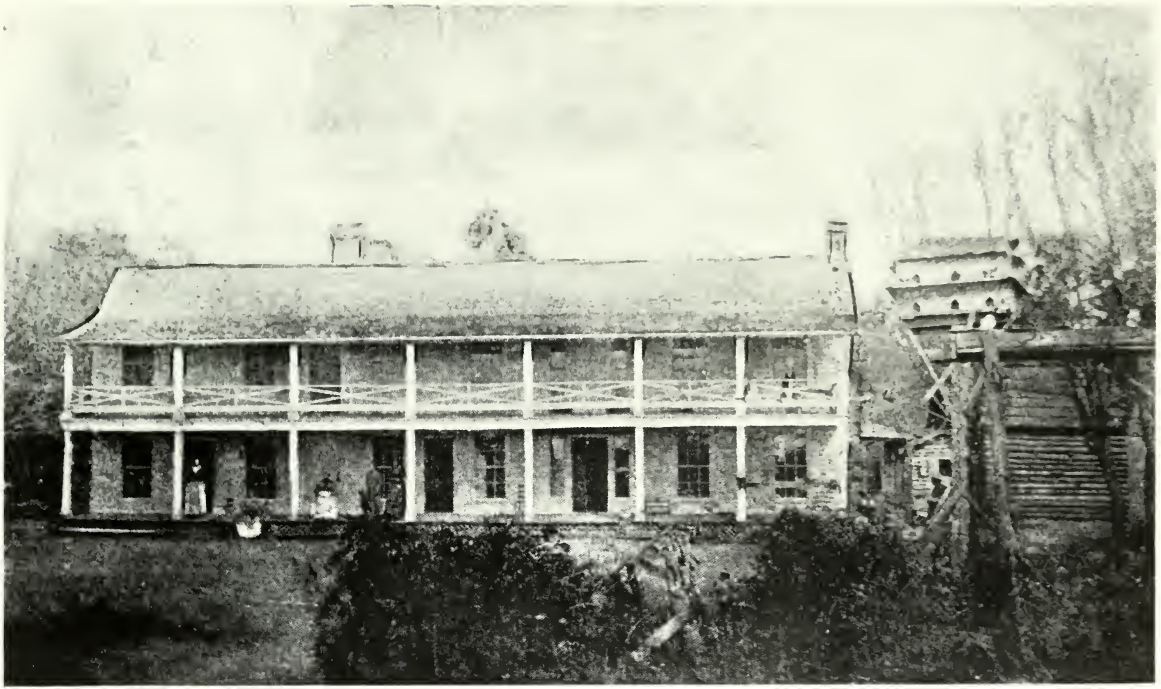
[11] Marital relations were easily dissolved during those early days among the Indians. Incompatability between husband and wife was settled less expensively than by a formal divorce. The self-made widow either returned to her mother or went to "keep house" for another man and the forsaken husband was left free to procure a new "housekeeper," if needed. Polygamy was prohibited in an act passed by the Chickasaw legislature and approved by Governor Cyrus Harris on November 27, 1857. *Constitution, Laws and Treaties of the Chickasaws* (Tishomingo City, 1860), 88. Thus at an early date the Chickasaws showed a high regard for the matrimonial state.

he made his home with his uncle, Martin Colbert, near the same place.[12]

The Chickasaw Indians, in 1835, began intensive preparations for their *en masse* removal to the West. A government land office had been established at Pontotoc and, through interpreters, the individual land holdings of the Indians were being identified and immediately bought up by land speculators. Young Harris sought employment at Pontotoc, as he spoke both Chickasaw and English with tolerable fluency. He first became engaged in the trading store of Capt. John Bell, but later was used as a contact man by Captain Bell and Robert Gordon, who were jointly engaged in purchasing lands from the Indians, who were about to remove to the West. The sale of these lands was practically completed in 1836, and the Chickasaws began their final plans for the emigration. Harris became an interpreter at the numerous Councils which were held and at which the details for removal were arranged.

Cyrus Harris with his mother, Elizabeth, left Horn Lake, on November 1, 1837, for Memphis, to join a party of the emigrants led by A. M. M. Upshaw, the emigrant agent. Within the next few days they crossed the Mississippi and proceeded overland to Ft. Coffee. He tarried for a brief two weeks in camp at Skullyville and in the following year settled on the Blue River, in what is today Johnston County, Oklahoma. His initial years in the West were simple and unexciting, having those idyllic, pastoral qualities so engaging to the Indian of that period. Early in life, he evidenced an interest in the political affairs of his people, and in 1850 was dispatched as a delegate to Washington, in company with Edmund Pickens. Upon his return home, he disposed of his place on the Blue and removed to Boggy Depot where he lived for about a year, after which he established his home on Pennington Creek, about one mile west of Tishomingo. He removed again in No-

[12] A granddaughter of Martin Colbert is Mrs. Czarina Colbert Conlan, who has devoted the last eighteen years to building up the museum collection of the Oklahoma Historical Society.



RESIDENCE OF GOV. CYRUS HARRIS AT MILL CREEK

vember, 1855, to Mill Creek, northwest of Tishomingo, where he continued to reside until his death.

Cyrus Harris again was sent as a delegate to Washington, in 1854, and upon the adoption of the new constitution, in August, 1856, was chosen as the first governor of the Chickasaw Nation. In this memorable first election there were several candidates, but when the results were totaled, it appeared that no one of the aspirants had secured a majority of the votes cast, and as a consequence, the choice was delegated to the legislature, with the result that Cyrus Harris was chosen by that body by a majority of one vote. The young governor organized the new government, served through the two year term and was succeeded by Dougherty (Winchester) Colbert. He was reelected in the fall of 1860, but again was defeated by Dougherty Colbert, in August, 1862. These were the opening days of the Civil War and the Chickasaws were the first of the Five Tribes to evidence their open preference for the Confederacy. Resolutions of secession from the Union were approved by Governor Harris, on May 25, 1861. An influencing factor in taking this action was the abandonment by the United States Government of Ft. Washita, thereby leaving the Chickasaws at the mercy of the Plains Indians. It is said of Governor Harris that as he reviewed the Chickasaw troops marching away to war, the tears ran down his cheeks as he stated that, "This was the first time in history the Chickasaws have ever made war against an English speaking people." In the fall election of 1866, Cyrus Harris again was reelected as governor and succeeded himself in 1868. His executive ability once more was recognized when he again was elected governor of the Chickasaws, in 1872. He was chosen to the highest position among his people in the West, upon five different occasions, which was a record to be unequaled among the Chickasaws. It was a marked evidence of the high esteem and regard in which he was held by his people.

A complete survey of the public life of Cyrus Harris, would involve a history of the Chickasaw Nation from 1856 to 1888. He was in intimate touch with its political life during that period. They were the years of tragedy and of the reconstruction after the Civil War. It was with unfaltering steps that he led his people through this crucial period. The matter of the establishment of educational facilities received his marked attention. An appropriation of $2500 to repair the academies was approved by him on September 18, 1872, and on September 21, 1872, he approved the establishment of a boarding school at Wapanucka.

The famous governor possessed a rare vision of approaching difficulties for his people which lay far in the years ahead. The specter of the allotment of tribal lands in severalty and the destruction of their communal life, had not, as yet, engaged the thought and attention of the Indians. Governor Harris saw its approach and in his message to the legislature on September 2, 1872, sounded a note of warning in courageous words, "Before closing my brief address, I wish to detain you a few moments on a subject of much importance. Although it is unpopular among our people and I must candidly confess that I, as one interested, could not consistently give my consent to its approval, had we any shadow of remaining as an independent nation, holding our lands in common. But can we, with any degree of certainty, continue the hope of holding lands in common, when railroad agitators and land speculators are using all available means to open our country to the settlement of the whites. Notwithstanding the Indian policy of the President of the United States to consolidate and settle in the Indian Territory, all Indian tribes under the jurisdiction of the United States, we hear, in the halls of Congress, the advocation of extending Territorial Government over the Indian country. From this we must suppose that we are liable at any moment to be robbed of the rights to our lands. The country we occupy, we hold under a patent granted by the United States to the Choctaw

Nation, in which the Chickasaws have, by the consent of the former, acquired an interest. . . But we are told by these that seem to know, that land held in common, does not meet with the approbation of the Government of the United States, although, by that Government, we are promised protection against the inroads of any other tribe and from the whites; and also agreed to keep us without the limits of any State or Territory. But can we depend on this much longer in consideration of the great railroads and border states banded against us? If we can, I again say, let us live in peace, holding our lands as in the days of old. Well, then under these circumstances, let us look a little ahead and perhaps we may imagine that something more than usual is approaching. . . . There are many matters which could be enumerated to show why it is necessary to prepare for the approaching events. Well, then, under all these circumstances, should we undertake to continue the holding of all our lands in common? Or should we make an effort to divide all of our lands severally, as provided for in Articles 11 and 33 of the Treaty of the 28th of April, 1866? This is an important question and should be well considered and should not be delayed. By the plan latterly mentioned, if successful in carrying into effect, will at once put a check upon the ingress of those who seek the downfall of our nationality."[13] His vision was thirty years ahead of what actually occurred but his surmises were accurate. The governor evidenced a distrust of the Government in fulfilling certain of its treaty engagements, against which evasions the Indians had no recourse. Through his firm reconstruction policy, the former slaves of the Chickasaws were denied tribal membership, but the adventurous whites who were drifting into the Territory presented a more serious problem, but one which he doubtless felt was capable of solution.

His earlier experiences in Mississippi with the land speculators provoked grave apprehensions in the heart of Governor Harris, as to consequences, if the influx of white settlers should assume

[13] Atoka *Vindicator*, September 14, 1872.

proportions. The Chickasaw legislature, in 1876, rather complicated the situation by admitting the intermarried whites into full tribal membership. An economic advantage thus was created and eagerly sought by designing white men. Marriage was easily accomplished by the adventurous white man and thereby his tribal membership became fixed.[14] Such marriages were not, of necessity, permanent and were easily dissolved by agreement and decree of divorce granted before a court of competent jurisdiction and the white man was then at liberty to marry a white woman who at once acquired the tribal status of her husband. Governor Harris in his message to his legislature on September 2, 1872, touched upon this question in language which disclosed his complete understanding of the situation, "I would also call your attention to the mode and manner in which the bonds of matrimony are dissolved. The records of the Courts of the Nation show that nearly all the divorces granted are to parties who mutually agree to a dissolution, many of whom, perhaps, could have lived together in peace the remainder of their lives but for the easy matter of procuring a divorce by mutual consent. I would recommend that there be fines imposed in all cases of divorce by mutual consent, or, repeal the law authorizing divorce *in toto*. By repealing the divorce law, you put a check upon all who only marry for a foot-hold in the Nation, caring but little for the women whom they take for wives."[15] The advent of the whites in succeeding years and their participation in tribal government began to imperil the political life of the Nation, as the native Indian understood it. Governor Harris was a progressive leader, but none the less a staunch friend of the full-blood members of his tribe and as equally devoted to their interests. In

[14] It should not be understood, of course, that all white settlers in the Chickasaw Nation were adventurers. White men married into many prominent Chickasaw families.

[15] The recommendations by Gov. Harris provoked legislation that any white man or woman marrying a Chickasaw Indian and later securing a divorce except on the ground of adultery was barred from participation in annuities or lands of the Chickasaw Nation and was refused final enrollment by the Chickasaw government in 1898.

FORMER CAPITOL OF THE CHICKSASAW NATION

his campaign for a reelection in 1874, these people supported B. F. Overton, who was elected governor, and reelected in 1876.

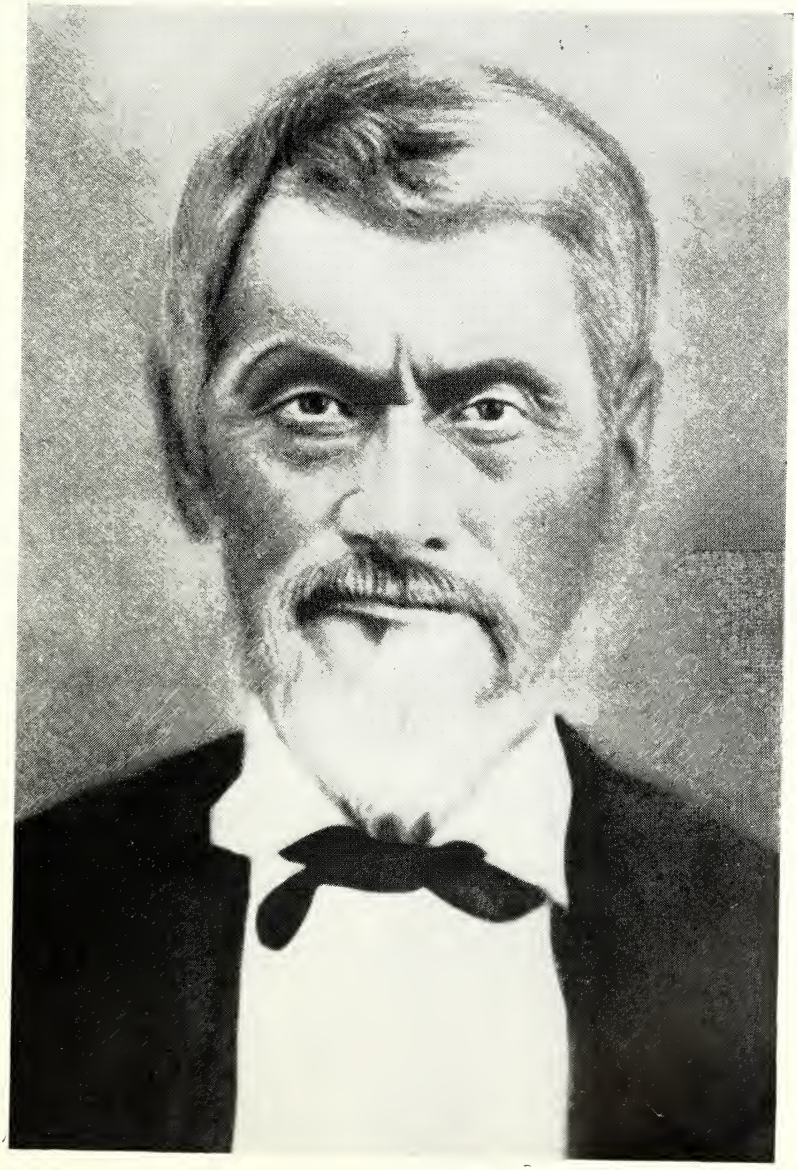
The concluding gesture of Governor Harris was made in the fall of 1878, when his candidacy for governor was inspired by his legion of friends throughout the Nation. He was supported by the progressive mixed-blood and white citizens and probably received a majority of the votes cast and should have been inducted into the governorship. His election was declared by the legislature and on September 23rd, he took the oath of office. On the following day, a somewhat disorganized session of the lower house of the legislature, acting under the inspiration of Governor Overton, reversed the former action, went through the form of throwing out a sufficient number of votes cast for Harris and declared the election of B. C. Burney, by a majority of five votes. The campaign had been tense but the aftermath was more so.[16] Great dissatisfaction prevailed and threats of violence presaged armed strife. Governor Harris immediately withdrew from the contest, conceded the election of Governor Burney and further trouble was averted. It was a patriotic finale to his long and faithful service as a trusted leader of the Chickasaws. He gracefully retired to his home at Mill Creek, and announced the conclusion of his public career. His interest thereafter, in the political concerns of his people, was not entirely negligible nor passive. He emerged from his retirement and gave a militant support to William M. Guy, his nephew, who was elected governor of the Chickasaws in the fall of 1886, on the Progressive ticket. The lines of cleavage between the "white" Indians and the more conservative full-bloods, was clearly defined during the campaign with William L. Byrd representing the latter. The adopted and intermarried whites were disfranchised by act of the legislature on April 8, 1887, and at the ensuing election of August, 1888, Byrd defeated Governor Guy, who was a candidate for reelection. The full-bloods triumphed again

[16] *Star-Vindicator* (McAlester, Indian Territory), September 21 and 28, and October 26, 1878.

in 1890, when Byrd, who strove vainly to preserve the political life of the tribe for the native Indians, was reelected. But the influence of the whites soon thereafter began to evidence itself and gather control. *Rigor mortis* already had set in on the political and communal life of the Chickasaws and the time was soon to arrive when the Government was going to probate the estate and distribute the proceeds. Governor Harris, who had so accurately presaged the finale, passed away on January 6, 1888, at his home at Mill Creek, in what is today Johnston County, Oklahoma, where he is buried.

Cyrus Harris was a farmer and, to some extent, engaged in the cattle business, which was an overshadowing industry during that period. He was married three times. His first wife was Kizzia Kemp, sister of Joel Kemp. Upon the death of Tenesey, his second wife, he married Hettie Frazier, a widow of Ishtehotobah, the venerable and beloved King of the Chickasaws.

No character during his generation impressed so strongly and effectively, the political life of the Chickasaw Nation as did Cyrus Harris. Although practically devoid of trained educational advantages, nature had endowed him with unusual ability and powers of discernment. He was a progressive and despite his early experiences in Mississippi, seemed in his later years to compose his vision to the influence of the white members of the tribes, nevertheless he was unfaltering in his fidelity to the best concerns of his people as he understood them. His high, patriotic character is evidenced in his generosity and self-sacrifice in withdrawing from the post election troubles of 1878. Cyrus Harris was a character of the highest integrity and ever will adorn the pages of Chickasaw Indian history, as one of its outstanding leaders.



LATER PICTURE OF
GOV. CYRUS HARRIS

CENTENNIAL OF THE CHICKASAW MIGRATION

By Joseph B. Thoburn

The history of Oklahoma is not only more complex and more varied than that of many of the other states in the Federal Union, but it can also make a showing of more notable occasions for centennial celebrations than most of its older sister commonwealths. In fact, it had a leading part in one great national centennial celebration several years before its admission as a state into the Union —namely, that of the Louisiana Purchase—and it has since had a succession of more or less frequent and really notable centennials every year or two.

Naturally, as might have been expected, early explorations, military expeditions and pioneering commercial exploitations, ran ahead of even the establishment of frontier military posts, though such phases of local history have seldom aroused deserved recognition and attention. Oklahoma saw and felt but little, if any, influence of the states east of the Mississippi during the first dozen years after the acquisition of Louisiana Province, so it was not until after the close of the War of 1812 that pioneers from "the States" began to push their way up the valleys of the Arkansas and Red rivers. The establishment of Fort Smith on the western boundary of Arkansas, in 1817, and of Forts Gibson and Towson, seven years later, seemed to mark the coming of the Anglo-American pioneering stock—military, civilian, missionary, and commercial.

Fortunately, the people of Okahoma are becoming sufficiently interested in local history to enable them to manifest a lively concern in the appropriate observance and celebration of such historical anniversaries.

Bands of Delaware and Shawnee Indians crossed the Mississippi as early as 1785 and were ranging into the present Oklahoma before the dawn of the nineteenth century. There were several minor Cherokee migrations to the country west of the Mississippi

during the last decade of the eighteenth century and the first decade of the nineteenth century, and, even earlier than that, parties of Chickasaw and Choctaw hunters had crossed the Mississippi and penetrated the interior as far as the eastern edge of the Great Plains, in the western part of the present state of Oklahoma, in quest of game, dried meat, and buffalo robes, Then, in 1826, came the first Creek migration to the valley of the Arkansas River, followed, four years later, by the beginning of the Choctaw migration to the southeastern part of the state. In 1834, the people of the Chickasaw Nation ceded the last of their landed possessions in Mississippi to the Federal Government and, in 1837, they bade farewell to the dominions of their forefathers and fared forth on the long journey to the Choctaw country, in the new Indian Territory where they were to establish new homes, preserve the traditions and customs of their institutional and cultural life and perpetuate themselves as a distinct people. Unlike the peoples of the other immigrant tribes from other southern states, east of the Mississippi, their migration was not an enforced one, as their movement was undertaken upon their own initiative and at a time and in a way that best suited their own convenience. This westward journey was therefore made at a reasonable rate of travel, with their own teams and wagons, though government freight wagons hauled the baggage; and at the most suitable season of the year, with the least possible amount of discomfort and inconvenience and with comparatively little suffering, and less illness than had been experienced by other immigrant tribes, to interfere with their progress. Many of them settled in the vicinity of Boggy Depot in the spring of 1838.

Inasmuch as the peoples of the Chickasaw and Choctaw tribes or nations had once composed a single ethnic and national unit, had been alike in language, traditions, customs, and other cultural manifestations and, as the Chickasaw people had purchased an undivided interest in the vast Choctaw dominion, extending westward from Arkansas to the 100th Meridian and northward from Red River, on the south, to the Arkansas and Canadian rivers, on the north, it was the hope and expectation of the Federal Indian

officials that the long-sundered fragments of the ancient Western Muskhogean people might become permanently reunited and welded again into a single ethnic and national unit. Opposed to this was the pride of the Chickasaw people who had long been independent of the authority or suzerainty of any other tribe or nation whatsoever, whereas, they complained that, being in the minority as constituents of the Choctaw National Government, they were subject to constant and, to them, unfair civic discrimination, with the eventual result of another separation and a reestablishment of the Chickasaw National Government. Though they were not a warlike people, they had been ever ready to strive for the freedom and self-determination of their own national existence. As a people, they had won and maintained their independence from the Choctaws. Because they were fewer in numbers than the Choctaws, the French colonial authorities sought to impose a distasteful and disadvantageous alliance upon them, only to have the same repelled by armed resistance. They were distinguished, as a people, for their attachment and devotion to their ideals, their loyalties, their friendships and alliances. Throughout the Colonial Period, down to the close of the first three-quarters of the eighteenth century, they had adhered to their alliance with the British Crown and people.

As early as 1719, Sieur Bernard de La Harpe, who commanded the first French exploring expedition into the geographic limits of the present state of Oklahoma, left a written record of having found a trader of the "Chicksas" (Chickasaw) Nation, at a great encampment of the Wucita (Wichita), Touacara (Towakoni) and other Caddoan tribes, whither he had brought English goods for barter—many years before the first venturesome British inland navigator had undertaken to descend the Ohio River to the Mississippi River.

Attached as the Chickasaw people had been to the alliance with the British, they readily sided with the American Colonists during the struggle with the mother-country, for national independence, since most of the English-speaking white men, whom they knew, were Americans by birth and training. Moreover, in

1815, a band of Chickasaw volunteers lined up beside American frontiersmen behind the cotton bales and sugar barrels in front of New Orleans where they helped to turn back an invading British Army, as a part of General Jackson's army of defense.

Despite all of this, however, the time came when the Chickasaw people found themselves crowded by the white people whose fathers their own had befriended. They also saw their friends and neighbors of the Creek, Choctaw, and Cherokee nations despoiled and crowded out of their homelands and they realized that they were too few in numbers and too weak successfully to withstand similar advances and like demand for such an abandonment of the lands of their fathers; so they counselled together and decided to accept the inevitable without complaint or resistance, and thus, they alone of all of the Five Civilized Tribes accepted the fate of national migration and turned their faces westward, hopeful, even in the day of adversity and exile.

Moreover, only the Chickasaws, of the Five Civilized Tribes, so shaped their national policies and courses as never to occasion embarrassment or anxiety to the the Government of the United States. True, at the outset of the War between the States, they failed to make a wise choice, as measured by the ultimate outcome; yet, even so, their choice was based upon the advice and persuasions of other white men. Nor let it be forgotten that, having accepted the result of the issue involved in that struggle, they have ever been faithful in the observance of subsequent agreements, compacts, and treaties with the United States.

Unlike the people of other immigrant tribes, the Chickasaws have seldom manifested a gregarious disposition such as dotted the maps of other Indian dominions with the sites of small villages and hamlets. Rather, Chickasaw settlements were widely scattered, with individual domiciles so far apart that, in many instances, each seemed to be near the center of a baronial manor, as it were, the result of a sparse population peopling a vast area.

The Chickasaw people have ever manifested a keen interest in the cause of popular education. Their National school system

DOUGLAS H. JOHNSTON
Present Governor of the Chickasaws

with its neighborhood schools which offered training in the primary and intermediate grades, and their secondary schools, including academies and seminaries, were always well supported and generally well patronized. Moreover, having availed themselves of all their domestic educational facilities, many Chickasaw young people went to institutions of more advanced standing in states east of the Mississippi.

As American citizens, the Chickasaw people are intelligent and patriotic. They are to be found in many lines of professional, industrial and commercial activity, and many of them stand high socially, fraternally and in the lines of moral and ecclesiastical leadership. The notable dignity which is characteristic of the Chickasaw people is emphasized rather than dimmed by a marked degree of most becoming modesty.

It would be a pleasure to enumerate, by name, the individuals of this interesting people, who have rendered constructive service to the founding and development of the Commonwealth of Oklahoma, but the list would be too extensive for inclusion in this brief article, unless it be to remark that the last elected governor, or principal chief, of the Chickasaw Nation—Douglas H. Johnston—had his term of service extended to a life-tenure by an unsolicited action of the Government of the United States, thus expanding a career of useful, peaceful, beneficent, and dignified service until it already rivals in length the strong and somewhat stormy dominance of the great Cherokee chief, John Ross. Suffice it to state that the one hundredth anniversary of the arrival of the people of the old Chickasaw Nation in the former Indian Territory—now Oklahoma—is too important in the history of this state to permit such an anniversary to pass unmarked or unmentioned in *The Chronicles of Oklahoma.*

THE ABORIGINAL CHICKASAW NATION

By Janet Bond[1]

The people of the Chickasaw Nation have many legends relating to their experiences in the far distant past, but the one that tells the story of their ancestors' wanderings while they were still one tribe with the Choctaws, is perhaps, the most interesting.

Cushman says traditions and legends were handed down from generation to generation in two ways.[2] First, they were handed down in their written archives, which were belts of wampum. The belts were made of soft, pliable deer skin, beaded with carefully polished and strung-on-sinew shell beads after being painted in the various colors necessary to tell the story. The significance of the record lay, not in the alphabet employed, but in the colors used and their juxtaposition, the arrangement of the bead strings and the length and breadth of the belts. Second, they were handed down by word of mouth. Among the Chickasaws and Choctaws another way of keeping intact the chronicles of the past was to have the wisest of the older men choose about twenty exceptionally bright youths of each generation to learn to repeat with accuracy all tribal traditions and legends, and also to learn to read wampum. The other important things they were taught by rote were the tried and true methods of safe-guarding the health and well-being of their nation, various forms of diplomacy to avoid war as well as successful and unsuccessful strategies employed in former wars, and all the ancient tribal customs including the proper ways of worshipping the Great Spirit.

The following legend of the forty-three[3] winters of Chickasaw and Choctaw wanderings from a land far toward the setting sun, in search of a pleasant home land, which culminated in the dis-

[1] Mrs. Reford Bond.

[2] H. B. Sushman, *History of the Choctaw, Chickasaw and Natchez Indians* (Greenville, Texas, 1899), pp. 35-36.

[3] Gideon Lincecum, "Choctaw Traditions about their Settlement in Mississippi and the Origin of their Mounds," *Publications* of the Mississippi Historical Society (Oxford, 1898—), VIII (1904), 521-542.

covery and naming of the Mississippi River and the beginning of their centuries of residence in the territory east of the great river, is told in practically the same substance by five historians[4] who had it from wise men of both nations, and by one famous Chickasaw who had it from the traditions handed down in his own family. About the time the early Christians in Rome were compelled to hold their religious services in the catacombs, to avoid being thrown to the lions, two affiliated Indian tribes, the Chickemacaws and Choccomaws, who according to Adair were the ancestors of the present day Chickasaws and Choctaws, were dwelling in what was probably the present Republic of Mexico. There was such oppression in that land that there was held a great council of representatives of all the clans of the two tribes under the leadership of two brothers, Chikasah and Chahtah, both equally renowned for bravery in war and for their wisdom in council.[5] After long deliberation and much discussion it was decided to seek a land where they could be free from oppression. But they could not decide which way to travel. Each member of the council went home to collect his family and belongings, and then returned to the meeting place where they all congregated in one vast camp waiting for the decision to be made on the direction of their line of march.

Finally the medicine men decided that a "Fa-bus-sah" or pole should be set firmly in the ground at the center point of their encampment and that the direction which the pole leaned when morning dawned would be the direction which they should take for their long journey. When at dawn the pole was found to be leaning toward the east, they set out toward the rising sun, believing implicitly that each returning morning the "Fa-bus-sah" would point the way, until upon reaching their promised land it would stand erect,—as firmly erect as it had been planted the night before.

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4 Schoolcraft, Warren, Lincecum, Adair, and Cushman.

5 Statement of the late Hon. Charles D. Carter of Ardmore, Oklahoma, as quoted by James H. Malone in *The Chickasaw Nation* (Louisville, 1922), p. 22.

They journeyed east and north as directed each dawn by the old pole, crossing wide rivers and climbing high mountains until they reached the bank of a river so wide and so swift that they were amazed, never having seen its equal. One of their wisest medicine men exclaimed, "Mis-cha Sip-ok-a-ni", literally translated, "Beyond age," but figuratively meaning, "The father of all its kind,"[6] distorted later into the name, "Mississippi," with a free translation meaning "The father of waters."

Malone quotes Hon. Charles D. Carter as going on with the legend as follows:

"They camped for the night on the banks of the great River, and since the leaders' pole still leaned toward the east, the young men began to make rafts for crossing the river and proceeding on their journey. . . . Upon reaching the opposite bank of the river, the sacred pole, after wobbling around and pointing in many directions, finally stood erect, and the medicine men interpreted this as an omen that the promised land had been reached.[7]

"Scouting expeditions were sent out by nearly all the clans to search for game and other food and to ascertain the exact character of country to which the Great Spirit had led them. Finally the head man of a certain clan, the members of which were described as taller and of fairer skin than the rest of the tribe, appeared before the general council and asserted that, according to the best information and judgment, the promised land had not yet been reached, but that a much better country, more productive in soil, and more bountiful in game, fruit, and fish, lay somewhere to the north and still farther toward the rising sun. After debating the question for many hours a vote was taken as to whether the move should be made, and it was decided by a large majority that the desired place had been reached and that no further move was necessary. Upon hearing the vote, the leader of the taller and fairer clan rose up and, striding majestically out of the council, dramatically uttered the following words:

'All those who believe the promised land is further towards the rising sun follow me.'

"His entire clan arose and went with him, but few others. Upon seeing this, the Choctaw warriors and some of their head men grabbed

[6] The author asked her mother-in-law, Mrs. James H. Bond, who spoke Chickasaw fluently when she was a young woman, but who between the ages of 85 and 91, often had to think a while before she could translate an English sentence into Chickasaw,—"How do you say in Chickasaw, 'A very old man'?" Without a moment's hesitation she answered, "Homa sipokani."

[7] Malone, *op. cit.*, p. 22.

their spears, tomahawks, and bows and arrows as if to restrain this clan by force. But the old head minko arose, extended his hand above his head, palm out, and exclaimed:

'Hamonockma, ikia ahnishke, chickasha!' (Halt, follow them not, they are rebels!)

"Thus the division of the Choctaws and Chickasaws into two separate tribes came about, and on account of the old chief's reference to them as 'rebels,' this taller and fairer tribe were ever thereafter known as 'Chickasha.'"

According to the version of Carter, "the name Chickasaw, (or as written in the legend, Chickasha) means rebel, and is somewhat descriptive of the Chickasaw characteristics."

The rebels or Chickasaws may have wandered over southeastern North America before they abandoned their nomadic way of life and decided to settle down as prosperous farmers on the well-known Pontotoc ridge in what is now the state of Mississippi. There De Soto found them in 1541 and there the French visited them one hundred years later, and there they remained for nearly two hundred years longer, until they were forced to move to Indian Territory, one hundred years ago.

According to Lincecum[8] who had learned it from some Choctaws who had been told the tale by some old men of the Chickasaws, the latter after their separation from the Choctaws, wandered as far east as the country where Savannah, Georgia, now stands. After some years they returned over the same trail, finally settling where they had spent three years during their eastward journey, in Chickasha Old Towns, the high and beautiful section where De Soto's expedition wintered with them.

There are evidences that the Chickasaws once lived near where Savannah, Georgia, now is, and close to the sea coast. It is also a fact that they laid claim to a scope of country in that vicinity before Congress as late as 1795.[9]

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[8] Linceum, *op. cit.*, VIII, pp. 521-542. See also Harry Warren, "Chickasaw Traditions, Customs, etc.", *Publications* of the Mississippi Historical Society (Oxford, 1898-), VIII (1904), p. 543.

[9] Malone, *op. cit.*, p. 21.

Bancroft speaks of this section of country in and adjacent to what is now Pontotoc County, Mississippi, lying between the Tombigbee River on the east and the Tallahatchie and Coldwater Rivers on the west as a land "where the grass is verdant in midwinter; the blue-bird and the robin are heard in February; and springs of pure water gurgle up through the white sands to flow through natural bowers of evergreen holly; and if the earth be but carelessly gashed to receive the kernel of maize, the thick corn springs abundantly from the fertile soil. The region is as happy as any beneath the sun; and the love it inspired made its occupants, though not numerous, yet the most intrepid warriors in the south."[10]

Malone adds, after quoting Bancroft, that "evidently the Chickasaws exercised that sagacity for which they were noted, in the selection of their home; and being great travellers with a large territory to guard and defend against all intruders, they had well defined trails leading to all important points" of their vast domain.

They owned and defended the western third of the state of Tennessee together with the northwestern quarter of what is now the state of Alabama as well as the northern half of the present state of Mississippi,—a vast domain of about 90,000 square miles, more than twice as much territory as is comprised in the present state of Oklahoma.

The great Chickasaw chief, Piomingo, described his nation's lands, as aforementioned, (except that the boundaries he described were ridges, rivers, creeks and the holdings of other tribes) at the celebrated Indian and United States representatives conference held in Nashville in 1792. In 1794, President George Washington gave the Chickasaws a certificate confirming their rights to the territory claimed by Piomingo.

De Soto had landed in Florida nineteen months earlier and had been wandering around over what are now the states of Florida, Georgia, South Carolina, western North Carolina, and Ala-

[10] George Bancroft, *History of the United States of America*, quoted by Malone, *op. cit.*, p. 93.

bama, a distance computed by one[11] of the chroniclers[12] who travelled with him, as over five thousand miles, by the time they reached the Chickasaw country.

He had six hundred men when he landed in Florida but one hundred and two had died or been killed by the time they marched in search of Chicaca[13] from the ruins of Mauvilla Town.[14]

De Soto had lost twelve horses which were slain during the battle and since the Spaniards had not up to this time lost many horses out of the two hundred and fifteen they had brought ashore in Florida, they probably had nearly two hundred when they invaded the Chickasaw country. Besides this formidable force there were many pack mules in the expedition and at least five hundred hogs, to say nothing of the Indian slaves or burden bearers—rather a large force to be rationed by a small primitive nation, especially in the month of December.

Having heard of the prosperity of this valiant little tribe, and flushed with his decisive victory over the Mauvillian Indians where two thousand five hundred had been either killed or burned to death in the holocaust that destroyed the town, De Soto entered the Chickasaw domain with high hopes of spending a well-fed winter in this fertile section.

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11 *The Discovery and Conquest of Terra Florida by Don Fernando De Soto and* 600 *Spaniards, His Followers,* written by a Gentleman of Elvas employed in all the action and Translated out of Portuguese by Richard Hakluyt, Reprinted from Edition of 1611. Edited with notes and an introduction and a translation of a narrative of the expedition by Luiz Hernandez De Biedma, Factor to the same, by William B. Rye of the British Museum, London. Printed for the Hakluyt Society, 1851.

12 Luys Hernandez De Biedma, (King Charles the V's Factor.); The Gentleman of Elvas, (A Portuguese); and Rodrogo Ranjel (De Soto's private secretary).

13 Elvas' spelling of the tribal name. "Elvas, Gentleman of Elvas."

14 Theodore Irving says in his *Conquest of Florida by Hernando De Soto* that Mauvilla "is supposed to have stood on the north side of the Alabama River; at a place now called Choctaw Bluff in the county of Clarke, Alabama, about 25 miles above the junction of the Alamaba and Tombigbee Rivers. Aged Indians in neighborhood at present day (1868—about) point it out as the site of the great battle between De Soto and Mobilians. Cushman says Mauvilla was the main stronghold of the Choctaws; *A Narrative of De Soto's Expedition Based on the Diary of Rodrigo Ranjel,* His Private Secretary, by Gonzalo Fernandez De Oviedo y Valdez, Translated by Edward Gaylord Bourne, from Oviedo's *Historia General y Natural de les Indias; A Relation of What Took Place During the Expedition of Captain Soto; with particulars concerning the nature of the country which he passed,* by Luis Hernandez De Biedma.

He and his army thought fear of a repetition of the Mauvilla tragedy would ensure peace even among a fearless people, while they ate up all the food and grain these Chickasaw farmers had garnered for their winter use, together with the surplus stored against a possible drouth the following summer. And when he and his friendly marauders (for they always feigned friendship with the Indians if the Indians would permit it, until they were ready to say farewell) should march westward in their search for gold, they expected to demand of the Chickasaw enough young men and young women to walk all day carrying the army's burdens. Not only must these burden bearers be pack horses all day but when night came they were compelled to pitch camp for the white men, to cook their supper, feed and curry their horses, corral and feed their hogs and from time to time kill a few hogs, butcher them, grind up sausage, render quantities of lard, go out and set snares for rabbits, or traps for other animals for their masters' food, and grind the maize for meal with a mortar and pestle. All this work had to be done with nothing to eat when food was scarce and with minimum rations when food was plentiful. Besides the handicap of insufficient nourishment there was always present around each slave's neck the uncomfortable handicap of an iron collar with heavy dragging chains attached to it by which they were chained to the soldiers while on the march and to trees or stakes at night.

But a surprise was awaiting Hernando De Soto. The Chickasaw must have known all about the rout at Mauvilla Town, for besides the usual method in use among the Indians of telegraphing startling news across the country from one hilltop to another with smoke signals by day and signal fires by night, there had been ample time for scouts to go and come from Mauvilla.

It was October eighteenth when De Soto's forces burned the walled town of Mauvilla and his expedition did not reach the village and stringtown farms of Chicaca until December 17, 1540. Therefore the Chicaca knew what to expect and had ample time to commandeer every ounce of defense mechanism they possessed.

They were willing to be friendly with this pale-faced enemy that would come riding on terrifyingly swift beasts led by a commander who proclaimed himself "The-Child-Of-The-Sun," but they had no intention of allowing their young people to be carried away from home in slavery. They needed their young men for warriors or else they might lose the supremacy they held over neighboring tribes. When it came to their young women, the Chickasaws made such a particular point of taking the best of care of their maidens, that no Chickasaw young woman was ever known to give birth to a child before wedlock; so they were not liable to permit their daughters to become camp-followers without armed argument.[15]

The old men probably held a council and after long deliberation decided to greet the strangers hospitably but to be prepared both to feed and to fight them, if the latter course became necessary.

Since for welcoming gifts they must have fresh meat and many skins, the young boys were sent out into the country round about to set traps for large animals and snares for rabbits and skunks. The skilled hunters went out with their bows and arrows to stalk deer in order to present the strangers who were soon to be within their gates with dried strips of venison and deer skins. The traps for cougar, bear, and wild cats were pits dug in the ground and baited so that huge stones or logs would fall in on the animal and crush it. They were most anxious to be able to offer the invaders bear skins for the coming winter, for neither snow nor rain could pierce a bear skin. In that section it was still warm enough for bear to be wandering about even though December was not far distant, and because the wolves had begun to be particularly venturesome already, the Chickasaw were glad to have them destroyed. This wolf baiting was perhaps the most ingenious and efficient trapping device the Indians had.[16] A sharp knife blade of either flint or copper was embedded in frozen fat and set up in the path of the wolf pack. "When a wolf in licking the

[15] *John Haywood, Natural and Aboriginal History of Tennessee*, p. 291.
[16] *Hand Book of American Indians. Bulletin* 30, part 2, p. 801.

fat cut its tongue the smell of blood infuriated the whole pack and drove them to destroy one another."

To ensnare conies as the Spaniards called the rabbits, the young boys bent over all the springy young saplings they could find in the woods, fastening the top branches to the ground insecurely or in trigger-like fashion, and placing the bait in the center of a loop of strong string fastened to the topmost branches which were now fastened to the ground. When the rabbit tasted the bait, up flew the sapling and the string looped tightly around the animal's neck. In the corn fields in the winter the Indians taught their boys to catch conies by setting "great springes which lifted up their feet from the ground; and the snare was made with a strong string fastened to a knot of cane, which ran close about the neck of the conie so they could not gnaw the string."

The youths also tried to catch as many opossums as they could find although there were many in the villages; for the Indians used them for food. It is also related that, "these little dogs," as the Spaniards called them, for they are mentioned again and again, "were good eating." After the Spaniards had quartered themselves upon this particular village of the Chickasaws, the youths probably brought them quantities of quail, (which the Spaniards callled partridges), prairie chicken, and wild turkeys. With arrows they got abundance of deer, turkeys, conies and other wild animals, being very skillful in killing game.

Everywhere the Spaniards went they had welcome presents of fish from the Indians. According to "the Gentleman of Elvas,"

". . . with nets they took as much as they would, and took they never so much there was no want perceived. . . . There was a fish called bagres (cat fish), a third of it was head, gills on both sides, and along the sides great pricks like very sharp aules; those of this kind were as big as pikes; some of one hundred, and one hundred and fifty pounds weight and many of them were taken with the hook. Another fish like barbilles; another like breames, headed like a delicate fish, called in Spain besugo between red and gray. This latter was most esteemed. Another called pele fish (probably spade or shovel fish); it had a snout of a cubit long and at the end of the

upper lip it was made like a peele. Another like a western shad; and all had scales except the bagres and the pele fish."

He also tells how the Indians sometimes brought porpoises from the Mississippi or from its tributaries saying it was a "fish of the bigness of a hog called pereo fish, it had rows of teeth below and above."

The small lakes and pools at flood time were so stocked with fish "that they killed them with cudgels; and the Indians which were carried in chains, with the mud (probably threw in chunks) troubled the waters, and the fish being therewith, as it were, astonished, came to the top of the water and they took as much as they listed," meaning with their hands.

As showing how completely at home the primitive Chickasaw was in the water and in the capture of large fish which hid themselves under rock walls projecting in the river, Malone quotes from Adair:

"They have a surprising method of fishing under the edges of rocks that stand over the deep places of a river. There, they pull off their red breeches, or their long slip of stroud cloth, and wrapping it round their arm, so as to reach to the lower part of the palm of the right hand, they dive under the rock where the large cat fish lie to shelter themselves from the scorching beams of the sun, and to watch for prey; as soon as those fierce aquatic animals see that tempting bait, they immediately seize it with the greatest violence, in order to swallow it. Then is the time for the diver to improve the favorable opportunity; he accordingly opens his hand, seizes the voracious fish by its tender parts, hath a sharp struggle with it against the crevices of the rock, and at last brings it safe ashore."[17]

In the face of the coming emergency, the Chickasaw women and girls no doubt were sent to gather pecans,[18] walnuts, hazel nuts, chestnuts, and hickory nuts in great quantities, as well as innumerable acorns. From these nuts the older women would extract the oil which they called hiccory milk to be used in mixing up batter

[17] Malone, *op. cit.*, p. 201 quotes James Adair, *The History of the American Indians* (London, 1775), p. 404.

[18] Ranjel speaks of them as "soft shelled walnuts like bullets." He called hazel nuts small chestnuts and says "dried, they are delicious." Of chestnuts he says, "they are rich and of very good flavor."

for corn cakes.[19] Ranjel mentioned this oil, saying, "which they knew how to extract very well and which was very good." "The Gentleman of Elvas" says it was "clear as butter."

They also probably added to their winter store of catalpa beans which the Spaniards often mentioned, calling them French beans. From the corn fields they brought in more and more pumpkins which, "being roasted had almost the taste of chestnuts." Their butter for cooking potatoes and yams was bear fat, melted like oil and stored in gourds.[20] Their syrup, earthen pots full of the honey of bees.

The persimmon bread had probably already been baked and stored for winter use. Persimmon bread was the Chickasaw fruit cake and Elvas speaks of it as "loaves made of the substance of prunes." Long before this time of year their potatoes and yams had been stored underground for the winter, and all through the autumn months shelled corn had been spread out on the roofs of the houses on clean skins to dry for winter use, as had the wild grapes to be used in grape dumplings.

In the spring there would have been quantities of mulberries, wild strawberries,[21] plums that were red, yellow, and gray, the former being called the Chickasaw plum because it was brought to the Mississippi valley by the migrating Chickasaws.[22]

For vegetables they might have been able to offer the invaders savory dishes of the wild pea on which the deer fattened in the springtime, wild parsley, wild onions, and wild spinach. Had De Soto and his group arrived later in the summer they would have been able to enjoy ripe tomatoes and grapes which grew on vines running over tall trees, and also another variety that grew

[19] William Bartram, in *Travels Through North and South Carolina, Georgia, East and West Florida* (London, 1792), described the process of extracting hickory milk, p. 239. He also said: "It is as sweet & fresh as rich cream." Hickory milk was the only milk the Chickasaws or other Indians had for children except the mother's milk.

[20] "The Gentleman of Elvas," hereafter called Elvas.

[21] Ranjel says of strawberries, "very savory, palatable and fragrant."

[22] Bartram says that though this plum is a native of America he never saw it growing wild in the southeast and added, "I suppose it was brought from the southwest by the Chickasaws," *op. cit.*, p. 38.

on low vines with big, sweet grapes which Elvas says, "for want of digging and dressing they had great kernels."[23] Ranjel mentions crab apples and mussels as other foods on the Chickasaw menu. Knowing how necessary salt was to their own well-being, the Chickasaws must have prepared great quantities of salt to offer to their unwelcome guests.

Those who were expert in precipitating the salt, no doubt travelled to the salt springs nearest their habitations, taking with them the salt baskets woven for that very purpose. These baskets were broad at the mouth and narrow enough at the bottom to fit securely into the small mouth of an earthen vessel. The earth around the edge of the salt springs was scooped up and thrown into the baskets and left standing in the air. Water was thrown into the basket and the salt washed into the lower vessel. Being strained and boiled after the water had evaporated, the salt remained in the bottom of the shallow earthen jar. Salt was as valuable as wampum in trade with neighboring tribes for skins and mantles.[24]

Then there was tobacco to be gathered. The medicine men always took charge of the cured tobacco leaves, for smoking was restricted to ceremonial occasions so as to add significance to the compacts being sealed—such as smoking the pipe of peace. The Chickasaws did not chew tobacco or dip snuff until the civilized white men invented those habits and passed them on to the Indians.[25] The material most commonly used for pipes was soapstone and pipestone.[26] In some instances the pipe bowls were elaborately carved, and sometimes the stems were decorated. But each different shape of the pipe and each decoration had some especial significance in the ceremonial in which the pipe was used. Between ceremonials the pipes were kept wrapped in fur and carefully put away by the medicine men who had charge of them.

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23 This native grape was later cultivated and called Isabella grape.

24 Elvas, in his quaint language, describes the process as given in this article.

25 Malone, *op. cit.*, p. 198.

26 Pipestone is Catlinite, *Handbook of American Indians,* Bulletin 30, Part 1, p. 217.

The Chickasaws may have requested their artists to begin carving new pipes in new designs to be used in this entirely new emergency they knew they were about to experience, when these strange, pale warriors should enter their country. They felt confident that they could circumvent the strange enemy and save their young people from slavery if the worst came to the worst, but they hoped to smoke the pipe of peace with the pale-faces rather than make war on them, and perhaps they thought a certain type of pipe would help to insure the sacredness of that particular peace pact.

As a precaution, however, they probably arranged for an arrow-making ceremonial. The arrow makers from all over the Chickasaw territory probably came to whatever town was the Great Town of the tribe for this ceremonial and went eagerly to work on their ammunition in case the peace treaty's smoke should dispel itself into a mirage.

Their arrowheads were made of flint and other varieties of stone as well as bone, horn, antler, shell, wood and copper.[27] Slender flint arrow-heads were less than two inches long. Thick or strong flint arrowheads were much shorter. "Solid flesh being almost as resistant as rubber could not be penetrated by a large projectile unless" propelled by more force than a Chicksaw's arm could twang out of a bow.[28]

The shape of the arrowhead was triangular or pointed oval and these the Chickasaw were making during this ceremonial were loosely attached to the shaft so that they would remain in the wound, for these arrows were meant for war. Had they been meant for hunting, the arrowhead had been firmly secured so the arrow might be recovered entire. Many of their arrow heads were made of hard wood fastened on cane shafts. During this ceremonial the women feathered the arrows, lashing two or three feathers onto the shaft with sinew. The measurement of each

[27] Their copper came from rich copper district in Polk County, east Tennessee. Malone, *op. cit.*, p. 33.

[28] Arrow, etc., information obtained from *Handbook of American Indians, Bulletin* 30, Part 1, p. 90.

arrow and bow was the length and strength of the arm of the warrior who was to do the shooting.

They made long bows, rectangular in section, of walnut or other hard wood reinforced with a sinew lining on the back and cross wrappings. The women also busied themselves with making wrist guards of hide for them to wear on their left wrists, to break the blow of the released bow string, after the arrow shaft and bow string had been drawn back to the right ear with the right hand. The left hand grasped the center of the bow.[29]

Elvas says of aboriginal Indian fighting,

"They are exceeding ready with their weapons, a people so warlike and so nimble that they care not a whit for any footmen. (They were afraid only of the horses.) For if their enemies charge them, they run away and if they turn their backs they are presently upon them. They never stand still but are always running from one place to another; by reason whereof neither crossbow nor arquebus can aim at them; and before one crossbowman can make one shot, an Indian will discharge three or four arrows; and he seldom misseth what he shooteth at. An arrow, where it findeth no armour pierceth as deeply as a crossbow. Their bows are very long and their arrows are made of certain canes like reeds; . . . some they arm at the point with a sharp bone of fish like a chisel, and on others they fasten certain stones like points of diamants. For the most part when they light upon an armour, they break in the place where they are bound together. Those of cane do split and pierce a coat of mail, and are more hurtful than the other." The Chickasaw soon learned that the thighs of the Spaniards were not covered with armor, so they aimed at this vulnerable part, whenever they had a brush with them.

De Soto spent two days making a barge to ferry his army across the Tombigbee River so as to land on the Chickasaw side. After a day's march he reached the town of Chicaca,[30] where there were twenty houses. Elvas says it was "a well-inhabited and fat country; some great and walled towns; and many houses scattered all about the fields, a crossbow shot or two the one from the other. This country was very well peopled, fat and plentiful of maiz, and most part of it was fielding (in cultivation); they gathered as much (maiz) as sufficed to pass the winter."

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[29] *Handbook of American Indians, Bulletin* 30, Part 1, p. 312.

[30] The Chickasaw Indians are the only tribe mentioned in the four De Soto narratives which can be identified by the tribal names of the present day.

Ranjel remarks that the Indian name for corn is mahiz which the Spaniards slurred into maiz. Three-fourths of the Chickasaws' food was vegetal and this maiz, which Biedma says was like coarse millet, was grown extensively by them. Contrary to popular belief nearly all the aboriginal Indians preferred their food cooked, either by broiling, roasting, or stone-boiling, the latter encompassed by dropping very hot stones into a jar of water. Their corn was cooked in the form of ash-cake, hoe-cake, succotash, samp, and hominy, as well as in all forms of meal which they went to much trouble to change from the fresh product into a form that would keep for long periods of time. For dried corn the ears were roasted in pit ovens before the corn was dried. "The mature grain was milled raw or parched, the meal entering into various mushes, cakes, pones, wafers, and other bread."[31]

In making hominy the grain was soaked in lye obtained from wood ashes to remove the horny envelope and was then boiled. The hominy was often dried, parched and ground, reparched and reground, making a concentrated food of great nourishing power in small bulk, which was eaten dry or in water as gruel. Pinole, consisting of ground parched corn, is mentioned by Ranjel.

The wall around the twenty houses mentioned was the Chickasaw stockade of that section of their nation. It was made of huge "posts thrust deep into the ground, very rough, and many long rails as big as one's arm laid across between them, and the wall was about the height of a lance and it was daubed within and without with clay, and had loop holes."[32]

The houses were rectangular in shape and were built much like the walls. Posts were driven deep into the ground and the posts were connected with a kind of wattle which was then daubed with clay inside and out. There were two rooms in front and one in the rear. Elvas says they were roofed with reeds in the manner of tiles.

[31] *Handbook of American Indians. Bulletin* 30, Part 1, p. 466.
[32] Elvas.

. . . "the door is very little; they shut it by night (in winter) and make fire within; so that they are in it as warm as a stove; and so it continueth all night that they need no clothes and besides these they have others for summer; and their kitchens near them, where they make fire and bake their bread; and they have barbacoas where they keep their maiz;[33] which is an house set up in the air upon four stakes, boarded about like a chamber and the floor of it is of cane hurdles. The difference which principal men's houses have from the rest, besides they be greater, is, that they have great galleries in their fronts and under them seats made of cane in the manner of benches; and round about them they have many lofts, wherein they lay up that which the Indians do give them for tribute, which is maiz, deer skins and mantles of the country which are like blankets; they make them of the inner rinde of the bark of trees and some of a kind of grass like unto nettles, which being beaten is like unto flax."

Ranjel tells about their placing strips of venison on a framework of sticks as for roasting on a gridiron. The Spaniards called it cooking "en barbacoa" from whence comes the term barbecue, no doubt.

As there was no one in Chicaca town when the Spaniards arrived, they camped on a hillside about a mile and a half away. De Soto usually stayed in the home of the chief and housed his officers comfortably with the principal men of each village; but for some reason, probably because they were to stay all winter and because they had just had so narrow an escape from extermination at Mauvilla, they built houses of their own surrounded by a stockade. All the chroniclers who travelled with De Soto mention the cleanliness of the houses in their narratives. Says Ranjel, "People are very clean and polite and naturally well conditioned." Elvas also states that "the fruits are common to all; for they grow abroad in the open fields in great abundance, without any need of planting or dressing." However theirs were not communal holdings for Elvas adds that the households "sow and gather their maiz, every one their several crop." There was a field around or behind each dwelling and Malone suggests, "No doubt experience had taught them that 'having their dwellings some distance apart one from the other,' made for good health and cleanliness."

[33]The American corn crib was patterned after these.

The men are described as wearing in summer one mantle (blanket) made from the cloth woven from thread spun from the inner bark of mulberry trees, draped over their shoulders, and deer skin shorts. During the same season the women wore two of these mantles that were like fine linen. One of them was fastened about the waist and hung downward, and another over their shoulder with their right arm out. One writer mentioned their winter costumes, saying that "all . . . went clothed down to their feet with very fine skins well dressed, and blankets of the country,[34] and blankets of sable fur and others of the skin of wild cats which gave out a strong smell."

These men built their own canoes, each man making his canoes and paddles according to the measurement of his own arms and body, and "caulked them with tow of an herb like hemp, called enequen." They planted the corn, kept their families supplied with meat by getting as close as they dared to their quarry, when they were out hunting, before letting fly their arrows toward some vital part of the animal they were stalking; built and repaired their houses and stockades; defended themselves and their families when they were attacked; attacked an enemy with the greatest courage when they were on the warpath; played ball in regular ball games with organized ball teams when they were enjoying leisure hours; played their flutes made from the shin bones of the deer; arranged and took part in the festivities that took place at the time of the planting, ripening, and harvesting of the corn; and some were healers, and some were teachers, and some were counsellors.

The women cooked and cultivated the corn fields; sewed the deer skin clothing with bone awls and sinew; spun the thread and wove the cloth of linen-like fabric; ground the meal; gathered nuts and herbs and fruit; prepared and wound together the bird feathers for the ceremonial feather garments or for other adornment; cleaned their houses and door-yards; nursed and fed their children; made baskets; modeled and baked the pottery vessels; polished the shell beads for wampum; sang in the choirs which led the

[34] The above mentioned kind, made from the inner bark of the mulberry tree.

singing in ceremonies and in round singing and taught the men who sang with them to carry the melody in octaves so as to produce a harmonic effect.[35] The Chickasaw women also sang the war songs that inspired their warriors to fiercer feats in battle than they might otherwise have undertaken. Ranjel related that: "they danced very well in the fashion of rustics in Spain so that it was pleasant to see them." The same author wrote of the baskets the Indians used to carry full of clothing when they travelled, called petacas. They were baskets covered with leather and closed with leather-covered lids "for carrying clothes or whatsoever they want to."

None of the De Soto narratives mention the Chickasaw form of government. They do, however, mention a chief of a village and two other chiefs who came to visit De Soto, and another great chief whom the lesser chiefs mentioned but who never could be persuaded to appear. The visiting chiefs were Niculasa and Alimamu, who came from distant villages. They also mention again and again that lesser subjects paid tribute to the chiefs.

Many writers, since the time of the Spanish invasion, have recorded whatever they could find out about the Chickasaw religion and government, but by the time the Chickasaws were visited by these writers, their customs and ways of worshipping a deity were bound to have been somewhat colored by their contacts with the European explorers and missionaries. Therefore there is no way of determining the exact form of their aboriginal religion and government.

When De Soto's expedition encamped in the Chickasaw domain the weather was cold and snowy. When they marched out it was warm, and along the trails were countless roses growing wild like those in Spain; Ranjel reported: "and although they have not so many leaves since they are in the woods they are none the less fragrant and finer and sweeter." But in spite of the roses the cold was still in the hearts of these bandits. So many of their numbers had died from burns and arrows that they marched in

[35]*Handbook of American Indians, Bulletin* 30. Part 1, p. 959.

fear of what was in store for them as they went further and further into this unexplored land which they called the land of Florida.

No doubt De Soto had been told of the fighting prowess of the Chickasaw, and did not wish to antagonize them while he was in winter quarters. He treated the chief of that particular village with the greatest deference, even sending his horse for him to ride the mile and a half from his house to the Spanish stockade, whenever he dined with De Soto. At these dinners with the Spanish governor, the Chickasaw chief first tasted that famous southern dish, hog and hominy, or tompashofa, as the Chickasaws later named the dish that combined their lye hominy with the strangers' pork, for the native Americans had never seen either hogs or horses until the Spanish invasion.

When three Chickasaw boys were caught stealing hogs from the Spanish corral, (which Elvas says was a crossbow shot distance from the camp), De Soto commanded two of them to be shot to death with arrows, and the third to have his hands cut off.[36] He then sent him so handled to the cacique,[37] who made as though it grieved him that they had offended the Governor, and that he was glad that he had executed that punishment on them.[38] Ranjel tells that the Indians made no more account of having their hands cut off, (and often De Soto had their noses cut off as well,) "than if they had been a Mucius Scaevola of Rome."

A day or two later three Spaniards rode up to a Chickasaw farm house, ransacked the barbacoa as well as the house, and rode off with some skins and mantles that certainly no more belonged to them than the hogs belonged to the Indians who had been so severely punished.

When this matter was reported to De Soto he commanded them to be put to death, but in a day or two they were seen riding through the village in high glee. It was explained to the Indians that their freedom was due, not to De Soto, but to his interpreter

[36] They were probably hungry, the Spaniards having confiscated all their maize.
[37] All the De Soto narratives speak of chiefs as caciques.
[38] Elvas.

who had misinterpreted the chief's demand for their punishment, translating the chief's demand as a request for clemency.

The incident served to awaken the lulled fears of the Chickasaws so that they were prepared to resist when early in March De Soto demanded two hundred youths for burden bearers. It is illuminating, that no young women were demanded. It proves they feared the Chickasaws.

The chief told the Governor the burden bearers would be delivered the day he broke camp, but they never were delivered and De Soto and his army were only too glad to march through Chickasaw territory, alive, after this brave little nation had given them three severe battles.

The first attack was during the night before the day set for the slaves to be delivered. The Chickasaw, employing the very same tactics De Soto's army had used in the battle of Mauvilla Town, burned De Soto's camp and stockade, killed eleven of his men, drove off or killed about fifty horses and turned loose or burned over four hundred hogs, besides leaving many soldiers wounded and suffering with severe burns.

Claiborne concluded his account of the battle with the following paragraph:

"History records no bolder enterprise. A fortified camp defended by the best soldiers of Europe, armed with what the Indians called thunder and lightning, attacked by savages with bows and war clubs: All honor to this noble race of warriors—these native Mississippians who subsequently, in defense of their homes and fireside, defeated and disgraced three French armies sent to subdue them. And may this ever be the fate of the invader of the territory of a free people."[39]

Had the Chickasaw warriors followed up their advantage the whole De Soto expedition would have been wiped out then and there. According to Elvas the only reason this did not happen was that on account of the darkness the Indians thought the horses running loose were men on horseback who had come to set upon

[39] *J. F. H. Claiborne, Mississippi As a Province, Territory and State* (Jackson, 1880), I.

them and consequently they fled, leaving but one of their number dead on the field.

The Chickasaws had attacked in four squadrons,[40] "with great fury",[41] every one from a different direction which was exactly the strategy employed by De Soto at Mauvilla. Garcilaso says of the battle at Chicaca, "Immediately the air resounded with the blasts of the conch shells, the rumbling of wooden drums, and the yells and war whoops of the savages, who rushed like demons to the assault."[42]

Again in describing the battle of Mauvilla, Elvas says De Soto "sent in every squadron of footmen one soldier with a firebrand to set fire to the houses;" and in the battle at Chicaca when the Indians were the aggressors Garcilaso reports that "many had lighted matches, like cords, made of a vegetable substance, which whirled in the air would blaze up into flame; others had arrows tipped with the same. These they hurled upon the houses, which being of reeds and straw, instantly took fire, and the wind blowing strongly, were soon wrapped in flames." A third narrator, Biedma, says that "300 Indians entered the stockade carrying fire, which they had put into small pots so that we might not perceive them; and whilst they were making their way along, another troop was heard making the war cries: but the former had already set fire to the village." Further on in his narrative he adds, "If they had persevered in their attack our destruction had been inevitable." He says they expected to be attacked the next night after they had moved camp some distance, "but it pleased God to send a little rain which was the cause of their not coming."

Another aftermath of this first battle was the fact that one horse had two arrows through its heart shot from different directions; another horse, one of the heaviest in the army, was killed by an arrow sped by such a vigorous arm that the arrow had passed

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40 Elvas.

41 Both Elvas and Ranjel.

42 Garcilaso de la Vega L'Inca, *Histoire de la Conquest Florida*, traduite en Francais par Pierre Richelet, 1731.

through both shoulders and four fingers breadth beyond. The darts were skillfully aimed at the vital parts of the horses.[43]

The Chickasaw also waited outside the stockade gates, hiding at the side so as to shoot arrows at all who came running out. This was a trick the Spaniard played on the Mauvillians.

De Soto had already moved his camp to the village, now deserted, a mile or two away, which was on a flat hilltop, and for that reason and because of preparedness on De Soto's part, the Spaniards had the advantage and the Indians were put to flight when they attacked again, eight nights later.

The Christians stayed on this high plain about six weeks while they made saddles, lances, and clothing, and where they set up a forge and tempered their swords, but there were problably no further gifts of conies, venison, skins, and coverings, for Elvas tells how the soldiers had to weave mats of dry ivy to sleep between, so as to keep warm.

The Chickasaw gave battle to the invaders a third time before the latter marched from their fertile country, merely to show them that they were not afraid of their force even though the latter had survived annihilation in the first two battles.

After the expedition was in marching order and well on their way northwestward, they came upon a strong fort thrown across the trail. Walking on top of it were warriors "with their weapons, having their bodies, thighs and arms okered and dyed with black, white, yellow and red, striped like unto panes, so that they showed as though they went in hose and doublets: and some of them had plumes, and others had horns on their heads, and their faces black, and their eyes done round about with streaks of red to seem fierce."[44]

The van-guard of the Spaniards retired a crossbow shot from the fort to wait for the remainder of the army to come up. "The Indians sallied out by seven and seven and eight and eight, to shoot

[43] *Ibid.*
[44] Elvas.

their arrows and retired again; and in sight of the Christians they made a fire and took an Indian, some by the feet and some by the head, and made as though they went to cast him into the fire, and gave him, first, many knocks on the head; signifying that they meant to handle the Christians'' in the same way. After the Spaniards had drawn up their line of attack ''they set upon the Indians, which made resistance till the Christians came near the fort, and as soon as they saw they could not defend themselves, by a place where a brook passed near the fort, they ran away and from the other side they shot some arrows; and because at that instant we knew no ford for the horses to pass, they had time enough to get out of our danger. Three Indians were slain there and many Christians hurt, whereof within a few days there died fifteen by the way.''

Biedma's description of this battle is told in this way:

''At this time befell us what is said never to have occurred to the Indians. In the highway over which we had to pass, without there being either women to protect or provisions to secure, and only to try our valor with theirs, the Indians put up a very strong stockade directly across the road, about three hundred of them standing behind it, resolute to die rather than give back. * * * When we had surveyed their work, thus defended by men, we supposed they guarded something—provisions perhaps—'Later' we learned that they had done this to measure themselves with us, and nothing else.''

On April 30, 1541, the Chickasaws saw the last of the marauding Spaniards. No doubt they gave them battle the third time without expectation of wiping out the European army but to make a return journey to the beautiful Chickasaw country along Pontotoc ridge an unpleasant prospect.[45]

Whatever the reason, De Soto's expedition never did return and the dawn of history for the Chickasaws remained in status quo for a hundred years, when the French explorers started the sunrise of their history up the sky and other historians carried it on toward the zenith, and left it blazing there for all the descendants of those aboriginal Chickasaws to read and remember with pride.

[45] Pontotoc means hanging grapes.

EDUCATION OF THE CHICKASAWS
1856 - 1907
By Caroline Davis

Almost immediately after their separation from the Choctaws, a new constitution was adopted by the Chickasaws and their attitude toward education was shown, in that much of their constitution was devoted to the organization of a national school system. Under the terms of the new constitution, the legislature of the Nation was to make suitable provision for the support and maintenance of public schools, and a superintendent of public instruction was to be elected, for a term of four years, to have his office at the seat of government. The legislature was to encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvements, and contracts between the boards of trustees and the teachers were to be subject to the approval of the legislature.[1]

By the term of the constitution, the Chickasaw District was divided into four counties; Panola, Pickens, Pontotoc, and Tishomingo. Over these counties was to be elected one general superintendent of public instruction, who in turn was to appoint the trustees for the various schools within the counties. The duties of the superintendent were definitely outlined and included visiting the schools once every three months, at examination time; and, at any time that the teachers and trustees were unable to handle the situation in any school, he was to be summoned by the sheriff or constable. By an act of the legislature, the clothing of the children in the schools was taken over by the Nation and a yearly appropriation of $2,067.74 was made for this purpose. Twelve hundred dollars of this amount was to go to the Chickasaw Manual Labor Academy, $700 to Colbert Institute, and $392.26 to Bloomfield Academy.[2] The superintendent was instructed to keep an

[1] B. Davis A. Homer, Compiler, *Constitution and Laws of the Chickasaw Nation* (Parsons, Kansas, 1899), 20.

[2] *Constitution, Laws and Treaties* (Tishomingo City, Oklahoma, 1860), 122.

itemized statement of this money and see that twelve dollars of it was alloted to each child.

Much of the legislation passed during this period between the separation of the two tribes and the Civil War was concerned with education. In 1859, the report of the Commissioner of Indian Affairs contained statements from all the schools located within the Chickasaw Nation; according to these reports all the schools had reached their maximum enrollment and were being enlarged for the future. Publication of a newspaper, the Chickasaw and Choctaw Herald, was begun at Tishomingo City in January, 1858. The Chickasaw Nation was rapidly becoming an orderly, prosperous, enlightened community; even the unrest and dissatisfaction occasioned by the close association with the Choctaws had begun to subside and they were rapidly building for a happier future. Then came the Civil War, putting an end, for the time being, to the work they had accomplished.

During the years of the war their country was overrun by the insurgents; schools and churches were closed, and their homes lost and demolished. The Indians, seeing no prospect of aid or protection from the troops of the United States, in 1861, renounced their allegiance to the Federal Government and became a part of the Confederacy; thus losing their right and title to all privileges under the Government of the United States.

With the close of the Civil War the Indians returned to homes where they found only devastation and ruin. The contrast with their former condition was sad. Now a destitute people, they had been far advanced in civilization with their schools and academies, had been rich in real and personal property, much wealth having accumulated in the hands of some of them, their crops had been abundant, and great herds of cattle had been their chief source of wealth. The change was pitiful: the cattle and horses had been scattered; their fields lay uncultivated; their fences destroyed, and many of their houses had been burned or demolished; but, with all this, the Choctaws and Chickasaws had fared far better during the war than the other tribes, as they had been almost unanimously

with the Confederacy and thus saved themselves the destruction caused by civil war within the tribe.

On September 8, 1865, a council was called to meet at Ft. Smith, Arkansas. Delegates from the Five Civilized Tribes met here with officials from the United States to formulate new treaties to take the place of those forfeited by their union with the South. The terms of the final treaty as signed by the Chickasaws and Choctaws in Washington in 1866, provided that they would make peace with the United States and among themselves, that they would open their "leased lands" to the settlement of any tribes whom the government of the United States might desire to place there, and to the cession of one-third of their remaining area for the same purpose.[3]

At the opening of the war the educational work which had been in the hands of the missionary societies of the various churches came to an abrupt halt and was not resumed for some time after the War between the States. Therefore, the schools which had been erected and held jointly by the church and the nation now became the property of the Nation. Almost immediately upon signing the treaty of peace the Nation took up the work of rehabilitating their educational systems. One of the first acts of their legislative body under Governor Winchester Colbert was the reaffirming of the section of their constitution dealing with education. Under the laws of the Nation the council elected a superintendent for four years with a yearly salary of $500. He appointed a trustee with a salary of twenty-five dollars a year for each of the academies and neighborhood schools, and selected teachers whose salaries were regulated at $200 a year.[4]

The Chickasaws hoped to be able to reestablish their old system of education which would include the opening of the academies and neighborhood schools. This was not an easy task as the school buildings had been badly damaged during the war. Colbert Institute had been entirely burned, and other academies, having been used as military camps, were unfit for school purposes

[3] *Report of Commissioner of Indian Affairs* (Washington, 1865), 34 (hereinafter cited RCIA).

[4] *RCIA*, 1869, 77.

and would necessitate a large expenditure of money in order to be made ready for use. This money the Indians did not possess as their annuities had entirely ceased with the opening of the war. The United States Government had at first refrained from sending these annuities for fear the money would fall into the hands of the Confederates, and later, when the Indians joined the Confederacy, the treaties guaranteeing these funds were broken and the United States was no longer obligated to pay. The Indians petitioned Congress to assist them in the reestablishment of the schools by settling with them what they considered their just claims. If the Government paid these back annuities, the Chickasaws hoped to establish an educational fund which would be sufficient to provide liberally for a comprehensive educational system. However, these claims were never paid; but the Government, in the treaty of 1866, reaffirmed the financial clauses of the old treaties with the Chickasaws and agreed to renew the payment of all annuities and other moneys accruing under treaty stipulations after the close of the fiscal year ending June 30, 1866.[5] The sums thus provided for were the permanent annuity of $3,000 for education as provided for under the act of February 25, 1799, and the treaty of April 28, 1866, and the fund from the sale of lands in Mississippi amounting to $1,185,947.03 2/3; the sum of $1,183,947.03 2/3 being a national fund and $2,000 a fund for "incompetents." The interest on these sums and the item of $3,000 first referred to were paid over to the treasurer of the Nation, and were disbursed by him under the direction of the National Council.[6] By the report of the Commissioners of 1868, the total amount of interest paid to the Chickasaws for the year 1867 was $62,735.98, the $3,000 added to this making a total payment of $65.735.98.[7] From these amounts the Nation appropriated their educational funds.

Neighborhood schools, being the first logical step in this renewed program of education, were opened in 1867, and the children for the first time in seven years were called to the task of

[5] Charles J. Kappler, Compiler, *Indian Affairs, Laws and Treaties* (Washington, 1904), II, 923.
[6] *RCIA*, 1872, 35.
[7] *Ibid.*, 1872, 35.

learning. Perhaps the first school was one conducted by Captain Frederick Young in the old Bloomfield Academy. Captain Young had been a soldier in the Confederate Army and upon the close of the war decided to remain in the Chickasaw District and open a school. He was an Englishman who had at one time belonged to the Queen's Body Guard, and now for a period of two years, in the half-ruined building of the old academy, he conducted classes for Chickasaw boys and girls. Among his pupils was Douglas H. Johnston, who was to be the last governor of the Chickasaw Nation.[8]

The first Superintendent of Public Instruction was G. D. James, who within two years' time was able to report to Captain George T. Olmstead, United States Indian Agent at Boggy Depot, that there were eleven neighborhood schools in successful operation, employing eleven principal teachers and four assistants. The number of pupils varied according to the population of the district, ranging in number from fifteen to sixty, and including all grades from the beginners to those advanced in "English education." A novel plan of paying the teachers was in use, the teachers receiving three dollars for every scholar in actual attendance each month. Out of this salary the teacher furnished all the supplies for the children in the school, including books and stationery. They were paid entirely from the national funds arising out of the annual interest in bonds held in trust by the United States Government. Five of these teachers were native Chickasaws, two men and three women, who had been educated by the Nation in the Chickasaw schools and academies. The other ten teachers were white, seven men and three women. The white teachers were not considered by Mr. James to be of a very high order, although respectable, and he expressed a desire that the intellectual average of these teachers would be raised within a short time.

The location of these schools necessitated many of the children's either going long distances or boarding in the neighborhood of the school. The Nation overcame this handicap by an appro-

[8] Susan J. Carr, "Bloomfield Academy and Its Founder,"*Chronicles of Oklahoma* (Oklahoma City, 1921-), VII, 375.

priation from the national fund of seven dollars a month to pay for boarding these children not living within two and one-half miles of the school house. This plan, as conceived, was only intended for children who were forced to leave home but gradually, and that within a short time it came to include a money payment to every parent for all children within school age, causing the aggregate of the expenses for the schools to be very high, in 1870, amounting to $35,000.

English was the language used in these schools, and as many of the children spoke only their native Chickasaw tongue, they were forced to learn English before anything could be done concerning a formal education from English text-books.

Five of these neighborhood schools were held in the buildings of the old academies; for the others, log houses were built. These log school houses contained few of the facilities which might be considered as necessities,[9] the usual amount spent on buildings and equipment being between two and three hundred dollars. Specifications for one building included: "The building to be 24′ x 16′ with seven windows and one door, to be built of pine lumber, with pine shingles and to be furnished with desks to seat thirty pupils, one recitation bench, a teacher's chair, table, and blackboard, also a good heating stove."[10] These specifications, especially for equipment, were very poorly carried out in many cases. In the teachers' reports may be found items such as the following one: "The reason that writing has been omitted is that there is no desk or thing that can be used for desks."[11] The usual subjects taught in these neighborhood schools were spelling, reading, arithmetic, and speaking (English). In some of the schools where there were children who had been in school prior to the Civil War, more advanced subjects were taught, as grammar, geography, history, and physiology. The subjects taught depended, to a great extent, upon the ability of the teacher in charge.

[9] *RCIA*, 1870, 296.

[10] Documents (Manuscript) Indian Archives, Five Civilized Tribes, Oklahoma Historical Society, Oklahoma City (Numbered serially hereinafter cited according to number and title, 8814) (Report of H. Colbert National School, November 19, 1897).

[11] *Ibid.*

No arrangements had been made, at the time of this first report, to reopen the academies or to install high schools within the Nation. In lieu of these schools of higher education, by an act of the legislature, suitable appropriation was made to send sixty of the most highly advanced scholars to schools in the different states. This number was to be equally divided between the sexes, only the most advanced scholars from the former schools being selected. The states chosen were Texas, Arkansas, Tennessee, Virginia, and Ohio, and the scholars were selected for their educational rating, scientifically, socially, and morally. The act was for a term of three years, the appropriation being $21,000 or $350 yearly for each scholar. This was done in order that the Chickasaws would be able to count on a class of educated youths competent to furnish their people with a full corps of qualified teachers and others able to fill important positions in the Nation.[12]

Between the opening of the schools in 1867 and 1876, the academy buildings, which were being used for neighborhood schools or primary education, gradually began to assume their old status in the Nation as boarding schools, although in some cases this may have simply meant that many of the children attending were being boarded in the neighborhood of the schools. The buildings, however, must have been repaired enough to have allowed for some living in them, although no records show appropriations for this before 1876. The schools operating this way were Bloomfield, under the direction of Dr. H. F. Murray, with forty-five scholars; Wapanucka, under Professor Alexander Carroll, with sixty scholars; Chickasaw Male Academy, under Joshua Harley, with an enrollment of sixty, and an Orphans Home School at Lebanon with sixty orphans enrolled under the management of Captain Smith.[13]

Under the intelligent guidance of such men as Governor B. F. Overton, O. Fisher, Eastman Harney, B. C. Burney, National Treasurer, and others of the same type, the year of 1876 was rich in

[12] *RCIA*, 1870, 296.
[13] *Extra Census; Bulletin, The Five Civilized Tribes*, 15.

legislation concerning school affairs. The first act passed, perhaps, was "An Act Establishing a Female Seminary at Bloomfield Academy;"[14] the pupils selected were to be girls between the ages of nine and eighteen, and not more than one child from a family would be accepted at the same time, and no scholar was to be permitted to remain longer than five years. The entrance qualifications were: ability to read well in McGuffey's *Fifth Reader,* spell well, and read in the *New Testament,* and to be of good moral character. The school was to be opened with thirty scholars, eight each from Pontotoc and Panola counties, and seven each from Pickens and Tishomingo counties. There was to be chosen a committee of three competent persons to act in conjunction with the superintendent of schools in making a contract for the operation of the school. Qualifications for this position were highest moral character or Christian standing with practical and successful experience in teaching and managing a first class boarding school. This person "contracting" for the school was to furnish tuition, bedding, washing, mending of clothes, medicine, and medical attention, in addition to all the modern apparatus for conducting a school, including all books and stationery and necessary fixtures. For this he was to receive $194 per scholar for ten scholastic months, to be paid semi-anually. This act also provided for the establishment of a similar high school at the old Chickasaw Manual Labor Academy which was to be operated upon the same plan and basis.[15]

Wapanucka, which held such a high place in the Nation as a male academy previous to the war, was now changed by an act into a special school for children of the Choctaw Nation whose parents had failed to remove into the Chickasaw District, thus depriving them of all educational opportunities, as they were not permitted to attend the Choctaw schools. With the opening of this school came the first opportunity for education ever offered to these children who chanced to live outside the boundary lines of their district.

[14] Homer, *op cit.*, 84.
[15] *Ibid.*, 84.

As a result of the war there were, within the Nation, many orphan children for whom provisions of some sort must be made; so a school or home for them was established at Stonewall, known as Lebanon Institute. This was for both boys and girls and was built for an average enrolment of sixty. After this number was reached the remaining orphan children of the Nation were to be allowed to attend any academy and were entitled to their full pro rata share of funds equal with those attending the Lebanon Institute.[16]

The duties of the school superintendent were defined by an act passed on October 2, 1876, providing for his tenure of office to be four years unless sooner removed for misdemeanor. He was to have general control of all the schools and school buildings with the Nation, to examine the qualifications and moral character of the teachers, and to hear complaints against teachers or any other person connected with or having control of the schools. He was to report quarterly to the Governor of the Chickasaw Nation concerning the condition of the different schools and the number of scholars in actual attendance in each school; he was to attend all examinations and note the progress and course of study of each class. In case of disturbances or the scholars' leaving school without permission, he was empowered to call upon any sheriff or constable for assistance. He was to appoint one trustee for each school, and was to suggest to the Governor and through him to the Legislature all plans for improvement, better management, and progress of public education. If complaints were received concerning trustees which he deemed sufficient he was given the power of removal.[17]

Another act created a school board to work in conjunction with the superintendent in making all contracts for the different schools or letting contracts for repairs on school buildings. The members of this school board were to act as trustees for the counties from which they were selected; they were to be governed by the school laws in force regarding school trustees, and were to receive fifty dollars yearly for their services. The act further pro-

[16] *Ibid.*, 102.
[17] *Ibid.*, 29.

vided that the school superintendent and school board were to keep in view the interest and welfare of the Nation in making contracts, and were to start these new schools on the least possible funds, being assured that the contracts were made with responsible parties.[18] In order to facilitate the speedy opening of these schools, another act was passed which provided for those operating schools in the various academies which were to be opened under this new plan to surrender immediately their schools so that the new plan could be started without "let or hindrance."[19]

According to changes made by the Legislature concerning the number of neighborhood schools to be maintained, Pontotoc County was to have eight, while the other three counties, Panola, Pickens, and Tishomingo, were to have five each. The act also provided that, in order to maintain a school, there must be ten scholars in attendance; these were to be between the ages of six and fourteen. The legislature also took cognizance of the "boarding question" and legally provided that all Chickasaw scholars between the ages of six and fourteen, going to neighborhood schools, should be entitled to the sum of eight dollars a scholar each month for board during the actual time of their attendance.[20] Thus every family in the Nation with children in school was entited to draw funds from the national treasury; this, in large families, amounted to enough to support the entire family. The Chickasaws were very eager to supply teachers, at least for the neighborhood schools, from the Nation itself; this desire accounts for the act stating that "hereafter all citizens, school teachers who may wish to teach school in this nation, shall not be required to undergo an examination as to his or her qualifications as teacher before being permitted to teach said school." This same act provided for a generalized salary of $450 to be paid each teacher of a neighborhood school; lengthened the term into a ten months' session, and stated that no teacher should be allowed to take charge of more than thirty scholars.[21] Some of these acts which were for the purpose of

[18] *Ibid.*, 100.
[19] *Ibid.*, 101.
[20] *Ibid.*
[21] *Ibid.*, 102.

forwarding education within the Nation could but have had a detrimental effect upon the school system, especially the one rescinding all examination for certificates; but a real step forward was taken when the legisature made provision for a uniform system of adopted texts to be used throughout the Nation. This act reads: "That the standard of school books for the several schools shall be of uniform character, and shall be of the Southern series of school books, and no other books shall be used or taught in any of the schools in this Nation."[22]

Perhaps in evidence that some families were attempting to take financial advantage of the Nation by establishing schools and boarding children without permission of the National Government is this bit of legislation: "No school shall be started or attempted to be carried on, when any family or families are staying in or boarding scholars in the school houses and no school house shall be used for any purpose than that for which they were built."[23]

The question concerning sending students to schools outside the Nation also received attention by this legislature. While an act was passed allowing parents and guardians who preferred sending their children to school in the states to do so and allowing them their pro rata share equal to those attending the Lebanon school, another was passed diverting the balance of $2,886.75 from the $101,382.55 appropriation of 1867, to the Chickasaw Academy. This sum was sufficient to send to the Academy three students from each county in the Nation and three from the Choctaw Nation (these, of course, being Chickasaw children).[24]

The feeling of satisfaction over the accomplishment of the Nation in regard to its educational advancement is plainly portrayed by an item in the Atoka *Independent* of 1877. The article written by W. J. Hemby reads:

> Superintendent Hightower is a very active officer, and has illustrated his office and called attention to the difficulties in the way of Indian Education that has attracted the at-

[22] *Ibid.*, 84.
[23] *Ibid.*, 101.
[24] *Constitution, Laws and Treaties*, 1867, 131.

> tention of educators in all parts of the United States. . . . There were 405 children whose education was provided for by law last year, of these 350 were in regular attendance. The coming school year there are 435 provided for. . . . All honor and success to the Chickasaws for their efforts to educate their children. The good resulting from this liberal and wise system of education will be very manifest in a generation or less from now. Let the Indians alone while they are doing so well, says the *Independent*.[25]

Governor William L. Byrd in his message to the legislature in 1891, stated:

> Our efficient superintendent of Public Instruction, Hon. Lem Reynolds, reports our schools in a prosperous condition, . . . 18 neighborhood schools with an attendance of 448 pupils, 5 academies including the Chickasaw Orphan Home, attendance of 265 pupils and 48 pupils attending schools in the States, a total of students at expense of Chickasaw Nation 761, which shows an attendance of every Chickasaw child of scholastic age.[26]

There can be no doubt that the Chickasaw Nation was expending its funds lavishly upon educational projects, but that they received full value for the amounts spent is very doubtful. Robert L. Owen speaks of the contract system for the academies as being a "wretched system and poorly fitted to secure proper results,"[27] and he also adds that both they "and the neighborhood schools were dominated to a great extent by personal interests concerning the disbursements of educational funds."[28]

The school life in the academies continued to be one of the chief sources of interest in the Chickasaw Nation, the girls at Bloomfield receiving their due share of attention. In 1868, when Captain Frederic Young disbanded his school and moved to Texas, Dr. and Mrs. H. F. Murray from Tennessee took over the buildings and immediately reopened the school. Mrs. Murray was a member of a prominent Chickasaw family from Mississippi, having received her education at Salem, North Carolina, and Dr. Murray was a well educated physician, who continued to prac-

[25] Atoka *Independent*, August 3, 1877. Vol. I, No. 2.
[26] *RCIA*, 1891.
[27] *RCIA*, 1888, 122.
[28] *Ibid.*

tice medicine while operating the school. In 1870, the school was conducted by Professor Robert Cole for a period of five years, and he was succeeded in 1875 by Professor J. E. Wharton. During this period the school was conducted without special grant from the Chickasaw Government, but with the passing of the Act of 1876, it was placed under the National contract system. Professor Wharton, who operated the school until 1886, made the first contract with the Government; he was succeeded by Robert Boyd of Tishomingo, a native Chickasaw. Mr. Boyd, after fulfilling only two years of his contract, relinquished it to Douglas H. Johnston, who continued as the superintendent until he was elected Governor of the Chickasaw Nation; he was succeeded by Professor Elihu B. Hinshaw.

While the school was under the supervision of Johnston, modern frame buildings were erected to take the place of the log buildings of the pre-Civil War period. These buildings were both accidentally burned but were immediately replaced by new and better ones.

Hinshaw was still in charge of the school at the time of the appointment of the Dawes Commission, and many new features were developed under his direction, one of the most important being the compilation of a course of study for the schools of the Chickasaw Nation. He developed the summer normal teacher training school, which resulted in much improvement among the teachers; and it was due to him that the arts became so much a part of the curriculum of Bloomfield.[29]

By the Act of 1876, the Old Chickasaw Manual Labor Academy, the first academy of the Chickasaw Nation, was made into a high school for boys. It was placed under the contract system on the same plan as Bloomfield Seminary. With the establishment of the neighborhood schools, according to population, several were built in Tishomingo County near this academy with the result that a higher grade of scholarship was obtained by the school. Joshua Harley, who had been conducting a school in

[29] Carr, *op. cit.*, 376-378.

this building, took the contract for the "High School." In 1868, young Joshua Harley had come to the Chickasaw Nation with his bride and started a school at the old academy; from that time until his death in 1892, with the exception of five years, this was his home. Gradually the school began to be called by his name, and by 1889, the name, "Harley Institute," took the place of Chickasaw Manual Labor Academy in all the official records. Sometime between 1880 and 1885, the buildings were partially burned, and when appropriation was made for a new building, the school was moved to a location one mile north of Tishomingo on the banks of Pennington Creek. Here a large two story brick building was erected at a cost of fifteen thousand dollars which, by law, was supposed to accommodate sixty boys; often, however, as high as eighty-five were in attendance. Ben Carter, father of C. D. Carter, was superintendent of the school in 1882, and it was during his occupancy that the school burned and was rebuilt. In 1888, Professor Harley again took the contract. Toward the close of the period of his contract he died, and the rest of the term was completed by his wife. The next supervisor was Joe Kemp, who was followed, in 1898, by S. M. White, the son-in-law of Governor Cyrus Harris.

The Chickasaws seem to have been lovers of music, and during this period in the life of Harley Institute, much stress was placed upon its study. H. H. Burris, a student at this time, who was later Speaker of the Legislature and National Treasurer, in an account of a serenade by the academy band at the home of Judge Boyd says: "We had a good band, no better band could be found in the whole Nation than that of the Chickasaw Male Academy."[30] Mrs. Zula Burris Lucas, who was an instructor between 1885 and 1895, says: "It was a wonderful school. It turned out many good and useful men. The department of music was unexcelled."[31] Another feature of the school was a student paper

[30] Johnnie B. Chisholm, "Harley Institute," *Chronicles of Oklahoma* (Oklahoma City, 1921-), IV, 119.
[31] *Ibid.*, 148.

which was published within the school, the type being set and the paper printed by the boys of the academy.[32]

The home or school founded for orphans soon after the war differed from the other academies in that it was not let out by contract but was under the immediate supervision and control of the governor and superintendent of public instruction. In 1876, it was being operated by Captain Nat Smith, his wife, and Professor Lindsay. Robert L. Boyd, in an article given to the *Vindicator,* tells of the public examination held in July of that year. He says, "When we arrived at the Academy there were many of the citizens of the Nation present. . . . When the examination commenced we were all invited to the school room by Professor Lindsay, where we witnessed a most thorough and rigid examination."[33]

After the examination, the Honorable O. Fisher was called on to address the school. He made this address in both the English and the Chickasaw languages. Later, Jessie Bell gave a talk admonishing the children that in a few years they would be called upon by their people to serve as governors, senators, representatives, supreme court judges, and "that they would have to protect their tribal rights under treaties with the Federal Government, and to compete with educated, sagacious and unscrupulous white men . . . that they should remember that the appropriations made by their Legislautre to educate them was interest on purchase money paid to their tribe by Federal Government for old homes in Mississippi."[34]

In 1879, an act was passed by the National Legislature changing the name from Lebanon Institute to Chickasaw Orphans' Home. The act also provided that monthly examinations should be held, that competent persons should be invited to witness these; and that the children selected for the home might remain the full term of years to which they were entitled, but might visit their friends on leave of absence granted by the Trustee. For the total

[32] *Ibid.,* 121.
[33] *The Vindicator,* Atoka, July 1, 1876.
[34] *Ibid.*

expense of the school the contractor was allowed twelve thousand six hundred dollars each year for the sixty scholars enrolled. The act further provided for religious services to be held at least one Sabbath each month.[35]

Among the laws passed in 1889, there was an "Act to Establish an Academy of 40 or 60 orphan Girls, Under Care of Presbyterion Church in United States (South)."[36]

Reverend J. J. Reed, authorized by the Missionary Secretary of the Presbyterian Church (South), was to negotiate a contract for an academy under the Missionary Board; the sum of eight thousand five hundred dollars, or as much as necessary, was to be appropriated out of the funds in the National Treasury. The location of the school was to be within the limits of eight miles of residence of Lewis Keel, Tishomingo County. Also the superintendent was to make suitable arrangements or contracts for good and comfortable clothing for children attending this school. In the selection of children for the school, orphans were to be given preference, none under eight or over twenty years of age to be received; but if there should not be enough orphan children to fill the school, others were then to be accepted. This was to be known as Reed's Seminary.[37] There is a lack of available information as to whether this orphans' home was actually put into operation.

The Methodist Church which had done no missionary or educational work among the Chickasaws since the Civil War entered into negotiations with the Nation, and, in 1884, an act was passed by the Chickasaw Legislature "granting the Methodist Episcopal Church South the right to establish a church and school building in the Chickasaw Nation for a term of years."[38] This act placed the location of the school at White Bead Hill, in Pickens County, and also provided that, should the buildings and improvements cease to be used by them for that purpose, they should be

[35] *General and Special Laws of the Chickasaw Nation*, 1878-1884 (Muskogee, 1884).
[36] Homer, *op. cit.*, 242.
[37] *Ibid.*
[38] *Ibid.*, 163.

opened to the free use of the citizens of White Bead Hill for a national school and religious services.[39]

In 1887, the Chickasaw Nation entered into another contract with the Methodist Church for the organization of a school in Pontotoc County. This contract was authorized by an act of the Chickasaw Legislature establishing an "institution of learning for male children to be on the Manual Labor System in Pontotoc County, consisting of a frame building sufficient to contain forty pupils to be known as Collins' Institute."[40] This was to be a boarding school, and an appropriation of seven thousand five hundred dollars was made for its erection.[41]

Controversy and hard feelings appear to have developed concerning Wapanucka Academy after it was made into the special school for Chickasaw children living within the Choctaw Nation. In 1890, an act was passed repealing the act of 1876, and again changing the status of the school. This time the Superintendent of the Chickasaw Nation was to take the girls from Wapanucka Academy and place them at Collins' Institute, and Collins' Institute was to be placed under the same plan as the Chickasaw Male Academy and Bloomfield Seminary, except that the same grade of scholarship would not be required. The boys from Collins' Institute then were to be placed at Wapanucka Academy. Thus, the school was to be no longer a special school for Choctaw children from the Choctaw Nation. The act further provided that the children were to be given permission to attend any of the schools within the Nation upon receiving a certificate from the superintendent, but a provision was added that they were not to be allowed to attend school outside the Nation if they so desired.[42]

During the post-war period the Catholics entered the Chickasaw Nation; the first school established within the Nation by them was the one for the negroes, built on the bank of the Canadian River. In 1888, Miss Kate Drexel, a wealthy lady of Phila-

[38] *Ibid.*, 163.
[40] *Ibid.*, 199.
[41] *Ibid.*, 199.
[42] *Ibid.*, 266.

delphia who had become deeply interested in the Indians, gave the money for the establishment of a school under the auspices of the Catholic Order of the Sisters of St. Francis, to be located at Purcell. A description of the buildings and grounds may be found in the Purcell *Register*:

> The building . . . occupies a beautiful location on the top of a large hill, from which one gets a most charming view of the Canadian Valley with its verdant fields lying directly at the foot of the hill. The house is built around an open court . . . it is two stories high. The grounds are nicely laid out and occupy eight acres, a fine garden is looked after by a professional gardener, who also keeps the flowers and shrubbery about the yard in nice shape, making it a beautiful place.[43]

When the school was founded, it was expected that it would be placed under the control of the Chickasaw Government, the money for its operation to be appropriated from the national funds; thus allowing the children to attend without paying individual tuition, but the Order was not successful in gaining this grant from the Government. In its opening year the school employed only one teacher, but by the close of its third year the faculty for the school consisted of The Mother Superior, Sister Patricia, who had charge of the girls, assisted by Sister Mary Chrysolagus, who taught a music class, Sister Ludmillie, who had charge of a boys' day school, operated in connection with the convent, and, in addition to these, there were three Sisters who were employed in various capacities about the buildings.

The school for the scholastic term of 1891, had a total attendance of 110 and at the boys' school, which was taught in the church, there were fifty-seven enrolled. Of the thirty-three girls living in the convent, twenty were Indians. The Reverend Father Vincent Jolly had charge of the business affairs of the school and was very successful in building and developing the institution.[44]

As the boys and the girls from the Nation completed their work within the Academies, many were desirous of furthering

[43] Purcell *Register*, June 19, 1891.
[44] *Ibid.*

their education in the states, and while the direct appropriation for this had been repealed, the Nation still allowed each a sum of fifteen dollars a month for this work. Some of these schools most frequently attended by Chickasaw students were: St. Xavier's Convent, Denison, Texas, St. Joseph's Academy, Sherman, Texas, Arkadelphia College, Arkansas; William Jewell College, Liberty, Missouri; North Texas Female College, Texas; Wentworth Military Academy, Lexington, Missouri, and Fort Worth University, Fort Worth, Texas.[45] There were also many others, as the students might choose the college they desired to attend; all that was required in order to receive their pro rata share of the national funds were certificates of attendance issued by the schools. In addition to these students, all mute Chickasaw children, not younger than eight, were allowed two hundred dollars a year to attend schools for mutes in the States.[46]

A complete picture of the schools directly under the control of the Chickasaw Nation may be seen by the following chart.[47]

Name of School	*Sex*	*Place*	*Yearly Expenditure*
Harley Institute	M	Tishomingo	$ 9,444.44
Bloomfield Seminary	F	Panola County	10,249.00
Wapanucka Academy			8,860.00
Collins' Institute		Stonewall	5,600.00
Orphans' Home			11,860.00
19 Neighborhood Schools			
4 in Pickens County			
3 in Panola County			
4 in Tishomingo County			
8 in Pontotoc County			$46,900.00
Including Teachers			
19 Neighborhood Trustees ($25.00)			457.00
4 Academy Trustees ($50.00)			200.00
1 Orphans' Home Trustee ($120.00)			120.00
Salary Superintendent of Schools			750.00
Total			$94,548.44

[45] Documents, *op. cit.*
[46] Homer, *op. cit.*, 416.
[47] *RCIA*, 1892, 255.

One of the stipulations in the Treaty of 1866 was that the tribes must grant to the railroads the right to enter and cross their territory. In the spring of 1887, the Atchison, Topeka and Santa Fe Railway entered the Chickasaw Country, thus making an opening wedge that was soon followed by a great influx of whites into the Nation. Hundreds and even thousands poured in. Valuable land for agricultural purposes could be rented at a very nominal sum and much of the land was rich in minerals. In addition to this the Indians were willing to pay high wages for laborers. Within a short time other railroads also came into the Nation, these were the Gulf, Colorado and Santa Fe; The Missouri, Kansas and Texas, and the Rock Island. White people entering were termed by the Chickasaws as non-citizens or intruders; they were foreign people and were not amenable to tribal law and, of course, had no share in the tribal moneys. There were no provisions in the Indian law for townsites and occupants of town lots would necessarily be merely tenants temporarily residing upon tribal land. Under such conditions there naturally could be no provisions made for education of the children of these non-citizens, and as the white population increased, this lack became more evident. By 1890, the non-citizens had outnumbered the citizen population ten to one, as there were approximately 64,000 whites to the 6,000 Indians within the Chickasaw Nation. Farm laborers and mechanics, under permit, made up the greater share of this number; the others, holding some sort of legal status within the Nation, were licensed traders, government employees, railroad employees, coal miners, and claimants to Indian citizenship; but there was yet another group made up of sojourners, prospectors, visitors, intruders, cattlemen, and squatters who had no lawful rights whatever within the Nation.[48]

Mr. Dew M. Wisdom, United States Indian Agent, in his annual report of 1895, says: "Concerning the problem of education for this great group of children no permanent arrangement had been made by which suitable facilities can be furnished to white children to obtain even the ordinary rudiments of an English edu-

[48] *Ibid.*, 189.

cation. . . . It is impossible to have them educated unless they are sent out of the Territory to the States and the expense incident thereto is too great to be borne by the average white man in the Territory."[49]

The United States Government almost immediately began to agitate for the opening of the tribal schools to the white children, suggesting that the white population pay their portion of the expense of the schools, or that certain sections of land be given the non-citizens upon which they could erect schools and hire their own teachers. In some few cases this last was acceded to by the Indians. Slowly, however, the more progressive people began to work out a system of subscription schools within the towns.

These conditions, of course, produced the inevitable results; the Indians must give up their institutions, their government, their schools, and make way for the white man within their land. The reports of the Indian Agents of this period of transition are full of condemnation of the Indians, urging upon the United States the necessity of not allowing the Indian treaties to obstruct the way of progress. Congress, in 1893, yielded to this argument and established a Commission, the main duty of which was to induce the Indians to give up their tribal ownership of land, their tribal government, and their tribal schools.

The Dawes Commission, appointed by the President of the United States in the fall of 1893, immediately, it seems, set to work to carry out the wishes of the white population of the Indian Territory. This Commission, composed of Henry L. Dawes of Massachusetts, Chairman; Meredith H. Kidd of Indiana, and Archibald S. McKennon of Arkansas, established its headquarters at Muskogee and at once began negotiations with the Five Civilized Tribes. The object in view was to induce them to give up the tribal ownership of their lands, each member of the tribe taking a homestead, and to relinquish their tribal government, courts, and schools. The Indian's answer to all their proposals was simply that they had no wish to change their institutions.

[49] *Ibid.*, 162.

In March, 1894, the Commission moved to South McAlester where it met all the tribes, except the Seminoles, in an international council; resolutions were adopted at this time by the Indians advising all the tribes to resist any change. On March 28, the Choctaw Council passed the following resolutions concerning the repudiation by the United States Government of their treaties:

> We cannot bring ourselves to believe that such a great, grand, and Christian Nation as the United States would so stultify itself in the eyes of the civilized world by disregarding treaties heretofore solemnly entered into, with a weak and dependent people, regardless of justice and equity, simply because she is numerically able to do so.[50]

The tentative plan proposed by the Dawes Commission provided that: all the land except the mineral land and townsites, which would be subject to special agreement, would be allotted among the citizens with the provision that a quarter section of each allotment be inalienable; a territorial government would be established with the Nation's retaining control over its tribal funds and property; each citizen would be given his allotment without expense to him; all claims against the United States would be settled; all invested funds and the proceeds from the sale of minerals and townsites and money awards by settlement of claims would be divided per capita; the tribal governments should continue until the allotment and distribution of tribal funds should be affected.[51] This plan was rejected by both the Choctaws and Chickasaws. Bills were then introduced into Congress attempting to compel the Indians to accept allotments, but President Cleveland refused to use force, and the only action taken was to enlarge the Dawes Commission and begin the work of surveying the territory. Negotiations continued, but mainly because of the refusal of the Chickasaws to ratify, no agreement was reached. After three years' work the Chickasaws appointed to treat in conjunction with the Choctaws a commission which was composed of the fol-

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[50] Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman, 1934), 238. (Quoting from the *Indian Citizen*, March 29, 1894; *Acts of the Choctaw Nation*, April 2 and 4, 1894).

[51] *Ibid.*, 248 (Quoting *Commission to the Five Civilized Tribes, Annual Reports*, 1894-8-11, *Indian Citizen*, May 10, 1894).

lowing: R. M. Harris, Governor; R. L. Boyd, Isaac O. Lewis, H. M. Jacoway, Jr., Holmes Colbert, William Perry, and Robert L. Murray.[52] The two commissions met at Atoka, and on April 23, 1894, signed what is known as the Atoka Agreement. This agreement provided for allotting of tribal lands and terminating the government with the Five Civilized Tribes. The special agreement with the Choctaws and Chickasaws specified that all coal and asphalt lands within the Nations should be the common property of the members of the tribes (freedmen excepted), that every member should have an equal interest, and that the revenue from the coal and asphalt, or as much as necessary, should be used for education of the children of Indian blood in the two tribes. The mines were to be under the supervision and control of two trustees who must be Chickasaw but who should be appointed by the President of the United States. All the royalties from the mines were to be paid into the Treasury of the United States and were to be drawn therefrom under instruction and regulation from the secretary of the interior.[53] This period of struggling was a futile effort on the part of the Chickasaws to save certain of their much cherished institutions, chief of which was tribal control of their schools. It would appear that, in signing the Atoka Agreement, they believed that this had been accomplished, and thus unconsciously signed what definitely undid their work, as the clause specifying that the royalties be paid into the Treasury of the United States to be drawn only by order of the secretary of the interior, legally removed all control of schools from their hands.

Under the Curtis Act and subsequent legislation the Indian Bureau assumed supervisory control of educational affairs among the Creeks and Cherokees and entire control of the Choctaw schools. A United States superintendent of schools was appointed for the territory, and under him a supervisor of schools for each nation, except the Seminoles; both of these were under a United States Indian Inspector who was responsible to the secretary of the interior. John D. Benedict was the first to receive appointment as

[52] *Annual Report of the Department of the Interior*, 1897, 415.
[53] *Ibid.*, 1900, 112 (Hereinafter cited ARDI).

superintendent, and John M. Simpson was chosen the first supervisor of the schools in the Chickasaw Nation. When the attempt was made to take over the schools of the Chickasaw Nation, the Chickasaws displayed such intense resentment against the Government that the matter was not pushed and they were allowed to retain control.[54] This deprived them of their proportionate share of the royalties arising from coal and asphalt, forcing them to maintain their schools as usual out of the tribal funds.

Benedict little understood the Indians and showed slight judgment in dealing with them. Not realizing, or not caring, that the schools were the Indians' greatest achievement, he began a steady diatribe against them. His condemnation, in some few isolated cases, may have been correct, but his assertions seem grossly exaggerated compared with the reports of the preceding decade. Reports, covering a period of years, showing the general opinion concerning the schools just prior to the Dawes Commission, point to no such grave errors as he asserts.

The agent to the Five Civilized Tribes in his report of 1892 says:

> The Chickasaws have five academies and nineteen neighborhood schools. Harley Institute and Bloomfield Seminary are high grade schools . . . empowered to grant diplomas . . . The academies represent a cost to the Nation of $50,000. The neighborhood schools are kept open ten months each year, and $8 per month per capita paid by the Nation for the board of scholars in attendance. The annual expense is $94,548.44. The average attendance during the year, 228 for academies, 468 for neighborhood schools, a total of 796 . . . the attendance is regular. In addition to the facilities thus provided . . . an appropriation of $15 per month is made for any child who having completed certain studies desired to attend first class schools in any of the states, and about 50 boys and girls are thus furnished tuition each year.[55]

Included in the Commissioners' report for 1893 is the report of Richard McLish, superintendent of public instruction for the

[54] *Ibid.*, 688.
[55] *RCIA*, 1892, 255.

Chickasaw Nation. He says, "The Chickasaws demand and are entitled to all the school advantages and conveniences of any nation upon the globe." In speaking concerning students just graduated from Harley Institute, he says, "We have six boys who graduated on June 26, 1893, at the close of Harley Institute. They have received their diplomas, as the law directs, and are now fully prepared to enter any college." He adds, "the Chickasaws have in successful operations five academies, and 17 neighborhood primary schools with an average attendance of 796, the expense approaches $100,000."[56]

After a lapse of four years, C. D. Carter, then superintendent of public instruction, was characterized by Wisdom as "a native-native-born Chickasaw fully alive to the important trust committed to his charge, whose report is worthy of himself and the intelligent race of Indians whom he represents in the educational field." He stated in 1896:

> "We must educate, or we must perish" was quoted by a leading Chickasaw citizen at the closing of one of the high schools, and it occurred to me how true this is, and what unmistakable meaning it has to the Chickasaw people individually and nationally. Judging from our liberal school system, the founders of this government must have realized the truth of this assertion in all the volume of its meaning. They looked into the future. They saw that the time was fast approaching when we . . . must subsist by our labor and intelligence; and if we would hold our own with the pale-faced Anglo-Saxon "we must educate," and if we now disregard these great privileges which we have inherited we will be swept under by the great wave of civilization.[57]

Again in 1898, Dew M. Wisdom reports that a "healthy condition exists along education lines," and that:

> Statistics heretofore furnished by me to the Department show that each of the Five Civilized Tribes has in successful operation a school system that will compare favorably with like systems in the surrounding States. These systems are the growth of years and the result of heavy expenditure of money.

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[56] *Ibid.*, 1893, 147.
[57] *Annual Report; Secretary of the Interior*, 1896, I, 157.

The Chickasaw Nation was straining every resource in order to retain control of its schools; tribal annuities were given over to their support, but these sums were not sufficient to cover the costs; school warrants became uncashable, except at exorbitant discounts. Still the authorities of the Nation steadily denied the right of the secretary of the interior to control their schools and the Department firmly refused to permit the use of the royalties unless the schools were placed under the management of the government officials. At last, realization came to the chiefs of the tribe that concessions would have to be made, and after much correspondence a conference was held in Washington, D. C., April 11, 1901, between E. A. Hitchcock, Secretary of the Interior, and the principal chief of the Chickasaw Nation, D. H. Johnston, at which regulations were drawn up and approved. There regulations provided that a board of examiners, one of whom should be designated by the secretary of the interior, should be appointed by the authorities of the Chickasaw Nation. One of their chief duties would be the examining of applicants to teach school, as, after June 30, 1901, no person would be eligible to teach who had not been examined by the board, and had received a certificate good for one year, as to his mental, moral, and other qualifications. No act of this board would be effective unless agreed to by all the members. They were further authorized to take jurisdiction of any complaint in writing against any teachers; the decision of the board would be reported to the board of education of the Chickasaw Nation for appropriate action, advising them as to the character and conduct of school employees, courses of study, methods of teaching, sanitation, and discipline. For this purpose they were to have access to the schools and their records at all times. Cooperation on the part of school officials, teachers, and officers of the Chickasaw Nation for the betterment of their schools was assured by the Nation, and any information desired by the secretary of the interior, or his representatives, as to the condition or conduct of schools was to be furnished. The outstanding school warrants of the Chickasaw Nation, legally issued for services or materials in accordance with the school laws of the Chickasaw Na-

tion after the ratification of the Atoka Agreement, were to be paid without unnecessary delay by a disbursing officer designated by the secretary of the interior. These warrants were to be paid out of the Chickasaw coal and asphalt royalty fund, so far as it would apply, and all warrants thereafter legally issued should be paid out of these funds annually, semi-annually, or quarterly, as the secretary of the interior might determine, so long as these regulations should be observed by the Chickasaw Nation.[58]

Under the provisions of these regulations John D. Benedict was appointed by the secretary of the interior as a memeber of the board of examiners; those appointed by the Chickasaw Nation were E. B. Hinshaw, of Kemp, Indian Territory, and William F. Bourland, of Ardmore. John M. Simpson, who had been so caustic in his dealings with the Chickasaws as their supervisor, resigned, and George Beck of Wisconsin was appointed in his place.[59]

Practically the only change these regulations made in the actual operation of the schools was in the matter of the qualification of the teachers to be employed; as control of the schools was virtually retained by the Chickasaws through the ability to issue their own warrants, but by accepting these regulations the royalties from the coal and asphalt mines became accessible as the Government later collected the warrants and payment was made from these royalty funds.[60]

Under instructions from the Department, extensive investigation was made by J. G. Wright, United States Inspector concerning the outstanding school indebtedness of the Nation up to August 31, 1901; he furnished an itemized report of all outstanding warrants; these aggregated about $130,000, and after approval of the report by the Department the United States Indian Agent was directed to pay the warrants.[61]

The earliest manuscript materials available of the neighborhood schools of the Chickasaw Nation began with the year 1891.

[58] *Ibid.*, 1901, 129-130.
[59] *Ibid.*, 1901, 130.
[60] *Ibid.*, 1902, 200.
[61] *Ibid.*, 1902, 208.

From this source a perspective is gained of the place held in the national life by these schools. As the country or village school in the States was the heart of the rural life of the community, so these schools represent the true nature of the Chickasaw Indian; most of these schools were built in the full-blood communities with native teachers and trustees. Much Chickasaw was spoken in the schools although classes were conducted in English. The school houses were erected and equipped by the community, or by some individual within the community, often being built from the lumber at hand; the cost was covered, at least in a number of cases, through appropriations by the National Legislature.

A good description of an average neighborhood school is given in an act appropriating $350 to "build and equip a National Neighborhood School House at Pauls Valley in Pickens County"; the school: "was to be 24′ x 16′ with 7 windows, 1 door, of pine lumber, ceiled, weather-boarded and covered with pine shingles, furnished with desks, recitation bench, teacher's chair, table, blackboard, also a good heating stove, stove flue and piping."[62]

In 1898, the Nation took over the expense of providing the books for all the neighborhood schools.[63] The Nation was continuing the practice of allowing from eight to ten dollars each month for all children in the Nation attending school; much of the legislation was concerned with appropriations covering this expense. The teachers kept reports of all children and the homes in which they lived, and their school attendance, which were turned over to the trustee and by him were sent to the superintendent; proper appropriation was then made by the Legislature. The report of the Pauls Valley National School from November to January 1898, lists A. L. Barr as Trustee and Bessie Welch as teacher with twenty pupils in attendance, all boarding with their parents except two, who were boarded with the trustees.[64]

The old buildings at Bloomfield which burned were replaced by a fourteen thousand dollar brick or stone building in 1898,

[62] Homer, *op. cit.*, 425.
[63] *Ibid.*, 436.
[64] Documents, 9733. (Report of Pauls Valley Nation School, November 1, 1898).

under the superintendency of J. S. Maytubby; the same year, E. B. Hinshaw was given the contract for its operation, and Holmes Colbert was made trustee.[65] The second quarterly report lists the following subjects taught: spelling, reading, writing, arithmetic, geography, English grammar, United States History, physiology, physical geography, rhetoric, civil government, natural philosophy, bookkeeping, general history, chemistry, algebra, geometry, English and American literature, Latin, Caesar, astronomy, and elocution. The teachers of this year included, beside Hinshaw, the contractor, Alice Hearrell, Dora Matlock, and Kate Biggs.[66]

During Hinshaw's administration the fine arts were especially stressed and work from the art department was part of the Indian Territory exhibit at the Louisiana Purchase Exposition at St. Louis, in 1904, where it received a high award. Hinshaw retained control of Bloomfield until the end of the tribal government. In March, 1906, one of the closing acts of the National Legislature was the enactment of a statute donating the library of Bloomfield to him.[67]

After the sale of the old building of the Chickasaw Manual Labor Academy in 1889, the name ceases to appear and "Harley Institute" takes its place in all National and Federal records. Joe Kemp became the contractor for this school in 1892, but was succeeded in 1898, by S. M. White, the son-in-law of Governor Cyrus Harris. White continued to contract for the school until its expiration, prior to statehood.[68]

The moral tone of Harley Institute was manifestly very high from the following petition:

> September 25, 1900. To the Hon. Senators and Representatives, of the Legislature of the Chickasaw Nation:
>
> We, the undersigned members, and students of The Harley Institute, do most respectfully petition your honorable body to pass a law prohibiting the attendance upon this

[65] Documents, 8365 (Warrant drawn under General Appropriation Act of November 5, 1896.)
[66] *Ibid.*, 8375 (Report of Bloomfield Seminary, January, January 31, 1898).
[67] *Ibid.*, 8420 (Act of March, 1906).
[68] Chisholm, *op. cit.*, IV, 124.

> institution of any and all students who use or smoke cigarettes, who shall not quit and abstain from the use of the same, while in school within ten days from the passage, and approval of said law.
>
> Signed by 63 boys.[69]

The legislature's reply to this was the introduction of an act prohibiting the use of cigarettes at Harley Institute, in case of failure to be enforced by expulsion within ten days. Compulsory reading of the bill before the student body was written into the bill; special provision, however, was made that in no way would this prohibit the smoking of a pipe.[70] Special emphasis appears to have been placed upon sanitation at Harley Institute, as the following was written into the contract in 1898:

> To furnish pupils each day with three well-cooked meals, arranged on the table, supplied with clean clothes, napkins, neat tableware of white stone and glass . . . . (also) to furnish pupils with clean and comfortable bedding and bathing facilities, towels, soap, and hair and clothes brushes; . . . the clothes of the pupils to be neatly washed, ironed, and mended. And to do all necessary to maintain neatness in the surrounding and enforce cleanliness of persons in the pupils.[71]

By an act of the legislature in 1890, signed by William L. Byrd, then Govenor, Wapanucka Academy became a boys' school, and William H. Jackson was given the contract with the school during the years of 1892 to 1897. In 1901, the school buildings were condemned as unsafe, and the Academy was closed for two years. In 1903, it was repaired at a cost of four thousand dollars and the superintendency was let to Dr. J. L. Thomas. The school was closed sometime prior to statehood.[72]

Collins' Institute, the successor of Colbert Institute, was, in 1896, placed under the contract of Superintendent Wood Smith, who was followed in 1897 by W. H. Jackson. The only report of a general vaccination's being given to any school is found in the

[69] Document, 8545 (Petition to Legislature signed by 63 students of Harley Institute, September 25, 1900).

[70] *Ibid.*, 8546 (Act of October 30, 1900, killed in Senate).

[71] Homer, *op. cit.*, 413.

[72] Muriel Wright, "Wapanucka Academy," *Chronicles of Oklahoma* (Oklahoma City, 1921-), XII, 425.

documents concerning this one. In 1901, by an Act of the Legislature, an appropriation was made of thirty-five dollars to compensate Dr. George H. Truax for vaccinating thirty-five pupils, at the rate of one dollar per child. In 1902, a contract was made with Amos R. White to maintain Collins' Institute for a period of four years; included with this contract was another empowering him to have the school repaired.[73] The last document found concerning the school is an order for the removal of intruders from the reservation of the school.[74]

Lebanon Institute, which was operated under the direct supervision of the governor and the superintendent of schools, was, in 1900, superintended by W. S. Derrick. The faculty consisted of three teachers, one a music teacher, and in addition, the school employed a matron, cook, laundress and work hand. The Nation at this time was making a yearly appropriation of eight thousand five hundred dollars for maintaining the Home, but, in 1901, feeling that this amount was inadequate, a new law was passed appropriating ten thousand dollars yearly for its equipment and maintenance.[75] In 1904, the Legislature changed the system of control of the Home, placing it under the same type of "contract" as that being used in the operation of the academies. Mrs. Vinnie Ream Turman who was then conducting the school was given the first contract. This contract was allowed ten thousand two hundred dollars for the maintenance for each annual term of ten months, with an enrolment of sixty; all children accepted over this number were to be paid for at the rate of seventeen dolars for each pupil with a clothing allowance in addition of five dollars for each child a month.[76] In 1904, Mrs. Turman died and the contract was continued by her husband, L. M. Turman.[77] The quarterly report of January 19, 1906, shows an enrolment of eighty-two orphans, and seventy-three non-orphans, making a total of 155 children living

[73] Document 8491 (Act of September 16, 1902).
[74] *Ibid.*, 8500 (Letter of J. Blair Shoenfelt, United States Indian Agent, from P. S. Mosley, Governor, Chickasaw Nation, dated October 15, 1903), 11874.
[75] *Ibid.* (Act of January 12, 1901).
[76] *Ibid.* 11888 (Act of April 2, 1904).
[77] *Ibid.* 11894 (Contract between Chickasaw Nation—L. M. Turman).

in the Home.[78] The Legislators of the Nation, in 1906, fearing that the Federal Government was failing to make provision for their orphan children and seeing that nearly one hundred orphans were to be left after March 4, without "sustainance as well as without a school for their education," passed an act on March 3, extending and reinstating the provisions of the contract made with L. N. Turman and also appropriated the necessary funds for its continuance.[79]

During these latter years of tribal existence several denominations had again established schools among the Five Civilized Tribes. Chickasaw students were allowed to attend but the exact numbers are not available. In addition to the denominational schools, there were established within the Chickasaw Nation several semi-denominational schools for both white and Indian children.

As the time began to approach for the close of the tribal government, new legislation was enacted by the United States Government to care for the children within the territory. An act providing for Congressional aid to the rural schools was passed in 1904. This act provided that the superintendent of schools in Indian Territory, upon the recommendation of the supervisor of schools of each nation and the tribal authorities, acting together, were to establish day schools for the co-education of Indian, white, and negro pupils within each nation. The act further provided that the people residing in any neighborhood desiring a day school would, by providing a suitable school house and equipment, be furnished with a teacher, subject to the approval of the secretary of the interior; reports were to be made by the teacher to the supervisor, to be filed with the superintendent of schools; the superintendent was then to report the date to the Indian Office; salaries were to be paid by the United States Indian Agent for the Union Agency under rules and regulations of the secretary of the interior; teachers under these rules and regulations were subject to dismissal at any time by the superintendent for incompetency, im-

[78] *Ibid.*, 11896 (Chickasaw Orphan Home Report, January 19, 1906).
[79] *Ibid.*, 11897 (Act of March 3, 1906).

morality, cruelty, or neglect of duty, subject to approval of the secretary of the interior; and in all matters the supervisor of the schools and the tribal authorities were to act jointly.[80] In the same year a bill was enacted in the Chickasaw Legislature appropriating two hundred thirty thousand dollars to defray their proportionate share of the expense of the schools in the rural districts of the Chickasaw Nation, established by Superintendent Benedict under the act of Congress in 1904.[81] Under the provision of these acts the tribal schools began to be gradually absorbed by the district schools. In 1906, there were in the Chickasaw Nation 219 schools with an enrolment of 13,274 pupils; out of this number only 375 were Indian children.[82] This did not include the academies as they retained their Indian enrolment.

On March 5, 1906, according to the terms of the Curtis Act, all tribal government, tribal courts, and tribal schools terminated and the Chickasaw Nation, as an entity, ceased to exist. Although legally, after this date, there was no Nation, there still remained the Indian population and the question of the education of the children of Indian blood continued to be a problem of the United States Government. In handling this problem the government retained, for a time, the schools of higher learning already in operation, but allowed the neighborhood schools to be amalgamated slowly with the white schools of the Territory and State. The tribal funds, as long as any remained, were used by the government for the payment of tuition of the Indian children in the academies and public schools. In 1932, eighty per cent of the Chickasaw children were attending the public schools of Oklahoma; the other twenty per cent were attending the various Indian schools such as Carter Seminary, formerly Bloomfield Seminary, Chilocco Indian Agricultural School, and Haskell Institute, and also some denominational and state institutions.[83] One full-blood Chickasaw Indian community remains in Oklahoma, that is, the Kallihoma district in Pontotoc County. The children in

[80] *Ibid.*, 1904, 91.
[81] Tishomingo *News*, November 23, 1904.
[82] *Ibid.*, September 12, 1906.
[83] *Indian School Magazine* (September, 1932), Vol. I, No. 4.

this district were without school facilities until the spring of 1932, when a school was established through the combined efforts of the county superintendent, the government supervisor of Indian education, and the people of the community.[84] As time has passed the Chickasaws have become more and more integrated with the white population until distinction has almost ceased between the white and the Indian children in the public schools, and the question of Indian education is simply one with that of the general question of education.

[84] *Ibid.*

EARLY MISSIONARIES TO THE CHEROKEES

By E. C. Routh

In October, 1800, the Cherokees granted Moravian missionaries permission to establish a mission among them. The site finally selected was at Springplace, where James Vann lived, near the present location of Dalton, Georgia. In December the Secretary of War accorded the missionaries the privilege of laboring among the Cherokees. This mission continued until January, 1833, when the Moravians were dispossessed of their property after the Cherokee lands of Georgia had been distributed by lottery.[1]

The Brainerd Mission was begun in 1817 by the Rev. Cyrus Kingsbury, representing the American Board of Commissioners for Foreign Missions. At that time the name of the mission was Chickamaugah. Robert Sparks Walker has told the fascinating story of the Brainerd Mission from its beginning in 1817 to the closing hour, Sunday, August 19, 1838, when the Cherokees were leaving on their enforced migration to the West.

> "Its activities were now over forever. There was the little cemetery nearby that held in its confines the remains of many of their loved ones. . . . The church house in which they had worshiped so long had to be left behind. The Cherokees with whom they had labored earnestly were almost ready to bid farewell to the land which they so passionately loved, soon to be occupied by the race which had so persistently pressed upon them for many decades."[2]

Some of the revered names associated with Brainerd were Cyrus Kingsbury, who a little later, in 1820, opened work among the Choctaws in Mississippi and came West in 1836; and Elizur Butler and Samuel Austin Worcester, who were arrested and imprisoned by the state of Georgia for residing in the Cherokee country without swearing allegiance to the state of Georgia and

[1] According to Grant Foreman, the thrilling story of the Moravian missions among the Cherokees is related in the records preserved at Salem College, established by the Moravians in 1772 at what is now Winston-Salem, North Carolina.

[2] *Torchlights to the Cherokees* (New York, 1931), 496.

obtaining a permit from the Governor. Both Butler and Worcester moved West with the Cherokees.[3]

In this study will be traced a little more in detail the lives and labors of Jesse Bushyhead and Evan Jones, Baptist missionaries, who preached in the Cherokee country before the Removal and led a detachment of Cherokees West in 1838.

Jesse Bushyhead's grandmother, Susannah Emory, a Cherokee woman, married Captain Stuart, commander of a company of British soldiers at Fort Loudon, Tennessee, whom she saved by her entreaties when he was attacked in 1759 by Cherokee soldiers. They had one child named "Bushyhead" because of his bushy hair. When Bushyhead grew into manhood he married Nancy Foreman, another full-blood Cherokee woman. She was the mother of Jesse Bushyhead, who was born September, 1804, in a small Cherokee settlement a short distance north of Cleveland, Tennessee.[4] He was educated at Candy Creek Mission and taught several schools for boys in the Candy Creek section. He was swindled out of his property by a worthless white man.[5]

In the report of the American Baptist Board for the year ending April 24, 1833, is the following reference to Jesse Bushyhead:

"Three years ago, Mr. Jesse Bushyhead, a Cherokee . . . took a journey of twenty miles to attend one of their meetings [Baptist] and made an open profession of his faith. . . . On this occasion there was a missionary present from Tennessee who soon after visited the neighborhood of Mr. Bushyhead and commenced preaching once a month. His labors were blessed, and in a little time a church was gathered. . . . To this church Mr. Bushyhead belongs and by them he has been licensed to preach. He reads English with ease, and is capable of acquiring knowledge from any books published in the language, and consequently of preparing himself for much usefulness. It is proposed by the Board to take him into their service so soon as the negotiations for this purpose can be completed."[6]

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[3] The graphic story of their experiences is found in *The Cherokee Messenger*, by Althea Bass, and in numerous other volumes.

[4] Recently I visited what was said to be the farm on which Jesse Bushyhead lived, two or three miles northwest of Cleveland.

[5] J. P. Brown, Chattanooga, who has in MSS form "Old Frontiers," a history of the Cherokees prior to their removal.

[6] *Baptist Magazine* (1833), 227.

In a letter to the treasurer of the Board, dated September 17, 1833, Jesse Bushyhead wrote:

"I came here the day before the protracted meeting, which commenced on the 29th of August, and continued till the second of September. On Thursday the 29th, the congregation was not very large, but appeared solemn; and also, at night. On Friday, worship was held very early in the morning, and about ten o'clock preaching commenced. The number of people increased; and truly in the evening it appeared that Jesus was amongst his people. His followers appeared to be glad they had come; and sinners were made to mourn on account of sin. A considerable number came forward to express their desire, and wished the church to pray with and for them. On Saturday morning, worship was held, and at this time brother H. Posey arrived from North Carolina. About ten o'clock, preaching commenced. The presence of the Lord continued, and the number of people increased. In the evening, the church attended to the examination of candidates, and five were received. At night, it was a time of shaking among the dry bones. On Sabbath morning, worship was held early. After breakfast, preaching commenced. After one sermon, a church meeting was again held, seven were received, and others were put off till another time. Then we went down to the water to see eleven Cherokees and one white man follow the footsteps of the meek and lowly Jesus. Again, at night, the mourners were many. On Monday, worship was held early. About nine o'clock preaching commenced. One sermon was given through an interpreter, by Brother Posey, and an exhortation in Cherokee; and it was truly a day of days. Mourners were again called up; considerable numbers came forward to express their desires, and I do believe the Christians were truly with one heart engaged to God for sinners. The meeting concluded on Monday, about 11 or 12 o'clock."[7]

Solomon Peck, for a long time secretary of the American Baptist Board of Foreign Missions, has this to say concerning Jesse Bushyhead:

"Jesse Bushyhead has been known for several years to the public as a noble-minded man, and a missionary. He lived 75 miles from Hiwassee. He spoke both English and Cherokee. Before he had ever seen a religious teacher, his attention was excited by reading the Bible, and . . . he became convinced of sin, and by faith laid hold of offers of mercy through atoning blood. He sought the acquaintance of some pious people who live 20 miles distant, and there made a public profession of religion, a minister from Tennessee being present on the occasion. This was probably in 1830. A church was organized there, and in 1832 contained 73 members. Mr. Bushy-

[7] *Ibid.*, 438.

head was taken into the service of the Board as a missionary, in 1833.''[8]

The Amohee Church, the site of which was near the Hiwassee River, was organized September 8, 1835, by Bushyhead. This church, after its removal West, was known as Flint Church. Eight miles east of Flint was the Tinsawattie Church which was moved from Georgia.[9]

''At Tinsawattie the school continued to prosper, under the instruction of Mr. O'Briant. . . . The attachment of the Indians to Mr. O'Briant was peculiarly strong, and the salutary influence of the school and mission family upon them, very evident in their improvement in agriculture and housewifery. In 1829, the school was removed about ten miles down the High Tower (Etowee) river to Hickory Log. But the families, and the little church at Tinsawattie continued under Mr. O'Briant's pastoral care. In 1830, there were thirty professors of religion at the two places. In 1831, the Indians of these two congregations, to the number of about eighty families, concluded to remove to the Arkansas Territory, and strongly urged their minister to go with them. With the consent of the Board, he decided to accompany them, and he and his church were dismissed from the ecclesiastical Association with which they were connected. A public meeting was held and a sermon preached, on the occasion, to a deeply affected audience. They soon took their departure, and in May, 1832, became settled in their new residence in the Western Cherokee Country, two miles from the northern boundary of the Arkansas Territory, and seventy miles north of Fort Smith.[10] It is a rich and abundantly productive district, and the Indians were prompt and industrious in providing for a comfortable mode of living. A saw-mill and grist mill were soon erected on an unfailing stream of water. The missionary was equally provident for their spiritual welfare. Before he had finished his log house, he opened it on the Sabbath, and collected the little congregation for religious worship. There were fifteen professors of religion,—three having died on the journey. In the course of the year, a building for worship and for school was built. The school contained twenty pupils. On the 25th of August, 1834, Mr. O'Briant died, after an illness of eleven days. He was a zealous missionary, and possessed the confidence of all who knew him.''[11]

In the spring of 1835, after a treaty had been drawn up and signed unofficially at New Echota, Georgia, December 29, 1835,

[8] *History of American Missions to the Heathen* (Worcester, 1840), 496.

[9] *American Baptist Missionary Magazine*, February, 1844.

[10] Isaac McCoy (McCoy MSS in Topeka) says that the Tinsawattie Church was "re-opened" in the West, November 19, 1832.

[11] *History of American Missions to the Heathen* (Worcester, 1840), 494.

ceding all of the Cherokee lands east of the Mississippi, Jesse Bushyhead and a fellow preacher, Oganaya, were appointed on a delegation to Washington for the purpose of adjusting the difficulties of the Indians with Georgia. They were absent six months. The treaty, although not signed by any of the officials of the Cherokee Nation and never ratified by a great body of the Cherokees was ratified by the United States Senate with a majority of only one vote.

At the council of the Cherokees held in July, 1837, at Red Clay, near the Georgia-Tennessee line, some 3000 or 4000 Cherokees were assembled to protest against the Echota Treaty. Morning worship was daily attended, with preaching almost every evening and on Sunday. Jesse Bushyhead interpreted the discourses on Sunday by Evan Jones.

"Bushyhead entered with all his soul into the spirit of the discourse. He is a large, noble-looking man, and the best interpreter in the nation. He was all life and eloquence in interpreting; his actions increased with the life of the discourse; his gestures were elegant and forcible, upon forcible expressions. But when to 'Calvary they turned,' when the preacher brought forth the soul-stirring doctrine of a God, sending his Son to die for sinful man—the spirit of Bushyhead began to melt; his countenance swelled; the big tears started in his eyes; his voice choked—and for a moment he was hardly able to give utterance to the discourse. One burst of his feelings, however, freed him from his embarrassment, and he proceeded in the melting strains of dying love. I looked around upon the vast number of Cherokees, to see if the emotion of Bushyhead had been caught by the sympathies of the audience, as I had been accustomed to see in white congregations, and I was convinced that the effect was even more general than what we usually witness at large meetings. In the afternoon Bushyhead preached in Cherokee, and his emotions at times would nearly prevent his proceeding. . . . One circumstance particularly struck my attention, —the interesting and correct manner in which the music was conducted. Their hymns were all in Cherokee; the music was the common tunes we are accustomed to in our churches, and was performed with far more correctness, as regards time, enunciation and effect, than what is found among the white congregations at the south and west."[12]

In the fall of the next year, 1837, Jesse Bushyhead was named by Chief John Ross as a member of the deputation to the Semi-

[12] *Ibid.*, 501.

noles in Florida to seek to adjust the difficulties between the Seminoles and the United States citizens. Other members of the delegation were Hair Conrad, Thomas Woodward, Richard Fields, and the interpreter, Major Polecat.[13] The Seminoles who came to St. Augustine under a flag of truce to make overtures of peace were imprisoned. "Disappointed, mortified, and indignant as he must have been at this civilized treachery, this outrage against the law of nations and every natural principle of honor,—Mr. Bushyhead seized the occasion to preach to the oppressed Seminoles."[14]

In the "Report of Cherokee Deputation into Florida" is a more detailed account of the experiences of this deputation, with a number of references to Jesse Bushyhead.

"On the morning of the sixth Mr. Bushyhead and our interpreter set out to visit the camp of Opiocca [chief of the Tallahassee band] to assure him of the strong desire of Genl. Jesup to have him come in and enter into terms of peace, but when Mr. Bushyhead arrived at the encampment of this chief he found him and his people already dissatisfied with the proposed terms of Genl. Jesup." . . . The report signed by Bushyhead and other members, closed with the opinion, "We do not hesitate to say, that if Genl. Jesup had persued a more just course toward the Indians, that an end might have been effected to the War."[15]

The repeated protests to Washington against ratification of the New Echota Treaty availed nothing, and the "Removal" began.

Here Jesse Bushyhead played an important part not only as a preacher, but as an influential leader of his people. When all efforts to void the New Echota Treaty failed, Bushyhead used his influence to persuade the Cherokees to yield to the forces of the United States. Evan Jones writes under date of July 11, 1938:

"As soon as General Scott agreed to suspend the transportation of the prisoners till autumn, I accompanied brother Bushyhead, who, by permission of the General, carried a message from the chiefs to those Cherokees who had evaded the troops by flight to the mountains. We had no difficulty in finding them. They all agreed to come in, on our advice, and surrender themselves to the forces of

[13] Foreman, *Indian Removal* (Norman, 1932), 352.
[14] *History of American Missions to the Heathen* (Worcester, 1840), 500.
[15] *Chronicles of Oklahoma*, December, 1931.

the United States; though, with the whole nation, they are still as strenuously opposed to the treaty as ever."[16]

W. P. Upham, who was associated with Bushyhead at Baptist Mission, in the printing of Christian literature, said: "How would it have been if the gospel had not been received by the Cherokees? Such a forcible removal of 20,000 Indians would have produced terrible scenes of bloodshed. In the removal of a few hundred Seminoles from Florida, hundreds of valuable lives were sacrificed,"—besides the expenditure of much money.[17]

Bushyhead and Jones each led a detachment of Cherokees from East Tennessee to the new home in the West.

"A company of 1,033 Cherokee from the Valley Towns of East Tennessee in charge of Rev. Evan Jones arrived February 2; these were all that remained of the original party numbering 1,250, headed by Situakee, who traveled with sixty-two wagons and 560 horses. There were seventy-one deaths and five births among them. The people of this party were strongly religious and maintained their church organization and services on the road with the inspiration of their Baptist conductor. Next behind them was the party headed by Rev. Jesse Bushyhead, a Cherokee Baptist minister who interpreted for Mr. Jones. His people numbered at the beginning 950, but he lost thirty-eight by death and after accounting for six births, he delivered 898 in their new home, February 23."[18]

In the December, 1838, number of *The Baptist,* published at Nashville, is a reference to the parties led by Evan Jones and Bushyhead:

"Four detachments of the emigrating Cherokees have, within a few days, passed through our city, and seven others are behind, and are expected to pass in a week or two. They average about a thousand each. Of the third party our brother Evan Jones, who has been eighteen years a missionary in the nation, is Conductor; and the fourth is under the direction of the celebrated Dta-ske-ge-de-hee, known among us as Bushyhead. In the two parties they direct we learn there are upwards of five hundred Baptists. During two or three days that their business detained them in the vicinity of this city, we have had the pleasure of some intercourse with these and others of our Cherokee brethren; and more lovely, and excellent Christians, we have never seen. On Monday evening last,

[16] *History of American Missions to the Heathen* (Worcester, 1840), 504.
[17] *Indian Advocate,* July, 1847.
[18] Foreman, *Indian Removal* (Norman, 1932), 311.

the 5th of November, several of them were with us, at the monthly concert of prayer for missions. . . . Brother Bushyhead (Dta-ske-ge-de-hee) addressed us in English, after prayer and a hymn in Cherokee, on the subject of missions. After pointing out the scripture authority and obligations to the holy work, he told us that he could very well remember when his nation knew nothing of Jesus Christ; he detailed to us some particulars in relation to their religious opinions, and method of spending their time, their habits, and domestic manners, and contrasted them with the present condition and character of his people, and thus illustrated the happy effects already produced among them by the Gospel. He told us he recollected most distinctly the first time he ever heard the name of the Saviour; he recounted to us some particulars of his conversion, and that of his Father and Mother, and gave us a short account of the effects of his own, and the preaching of Oganiah, and others, among his countrymen, and especially of the glorious revival that prevailed among them in their camps this summer, during which himself and Ga-ne-tuh and others had baptized over a hundred and seventy,—upwards of fifty of whom were immersed on one occasion. He adverted to the opposition to missions waged by some Tennessee Baptists, and presented himself and hundreds of his brethren as living instances of the blessing of God upon missionary labours. He closed by stating that it was now seen that Cherokees could be christians, —commending his nation, particularly, and the Indians generally, to the prayers of the Lord's people, and beseeching them still to sustain the preaching of the Gospel among them. He set down in tears.''[19]

Bushyhead located at a site about four miles north of Westville, Oklahoma, which he called Pleasant Hill. Because rations were issued here, it was known as "Breadtown." Later it was called "Baptist Mission." The mission was removed to Tahlequah by John B. Jones in 1867. About a mile north of the cemetery in which Jesse Bushyhead is buried is a large two-story house built around what is regarded as a part of the original Bushyhead home.

In the *Memoirs of Narcissa Owen,* is a reference to the family and the location of the home:

"I went to school with Eliza [born January 3, 1839, soon after the crossing of the Mississippi River], who is much younger than myself, and with Caroline, who is now Mrs. Caroline Quarles, of 'Baptist' (a United States postoffice), Indian Territory. Jesse Bushyhead's family consisted of nine children—Dennis, Daniel, Edward, and Jesse, Jr., and his daughters, Mrs. Jane Drew, Charlotte

[19] *The Baptist*, December, 1838, 357-358.

Mayes, Caroline Quarles, Eliza Alberty, and now Mrs. Dr. Felix McNair. Rev. Jesse Bushyhead was a noted Baptist preacher, and was interested in the work of Rev. Evan Jones and Mr. Upham, the printer, who published the Bible in the Cherokee language, they having a printing office near the home of Rev. Jesse Bushyhead. The neighborhood consisted of Mr. Evan Jones's home, the schoolhouse, which was near by, and then came Granny Bushyhead's house, and then Mr. Upham's and the home of the widow of Rev. Jesse Bushyhead.''[20]

There was much complaint of the imposition on the Indians by the issuing agents, most of whom neglected their duties. Repeated efforts were made to have these abuses corrected. The sessions of the Cherokee Council insisted, also, on the right of the people, in conformity with the treaties, to govern themselves under a system providing for majority rule, and to select a chief of their choice by a majority vote. After the removal of the offending general, Major Ethan Allen Hitchcock spent several months in a searching investigation of the conditions among the Cherokees. "Hitchcock was an honest and fearless investigator and his report corroborated in unequivocal language the charges of fraud committed by remorseless contractors on the helpless Indian immigrants."[21] Major Hitchcock describes a meeting of the Council December 1, 1841, when Chief John Ross, after his return from Washington where he had endeavored to obtain a new treaty for the Cherokees, secured a letter from President Tyler the preceding August which seemed to promise a new treaty with full indemnity to the Cherokees for all their losses and "wrongs." The written report by Chief Ross was translated into Cherokee by Chief Justice Bushyhead.[22] On December 21, Major Hitchcock wrote:

''The Cherokee Council has adjourned amicably and the members have been appointed a delegation to proceed to Washington to negotiate a treaty. The delegation is composed of John Ross, Jesse Bushyhead, David Vann, Capt. Benge, and William Coudy [Coodey]. Jesse Bushyhead, between 35 and 40 years of age—resides near old Fort Wayne,[23] is of mixed blood—the Chief Justice of the Nation—

[20] Narcissa Owen, *Memoirs of Narcissa Owen*, 1831-1907 [Washington, 1907], 20.
[21] Foreman, *Five Civilized Tribes* (Norman, 1932), 323.
[22] Foreman (ed.), *A Traveler in Indian Territory, the Journal of Ethan Allen Hitchcock* (Cedar Rapids, 1930), 38, 39.
[23] For location of Fort Wayne, see note, *ibid.*, 77.

a regular Baptist preacher—speaks English fluently and is considered the best interpreter in the Nation. He is universally respected and beloved. His mere opinion in the Nation has great weight and his persuasion upon almost any subject can win the people to his views. He is a fair minded man and if he can be satisfied the Nation ought to acquiesce. If he is not satisfied, it may suggest a doubt whether some concessions may not be proper."[24]

Jesse Bushyhead was impartial in his interest and activities and in his unceasing desire to promote the highest interest of his people. "His disinterestedness in the feudal and political troubles among his people gained for him the peculiar distinction of being the only man of any consequence among the Cherokees who habitually traveled among his people in the troublous period of 1839-49 unarmed, except, as he said with his Bible."[25]

Jesse Bushyhead was named one the signers of the "Act of Union," written by W. S. Coodey and adopted July 12, 1839, whereby the "Old Settlers," or Western Cherokees, and the Ross party composed their differences and were declared to be "one body politic under the style and title of the Cherokee Nation."

He became Chief Justice of the Supreme Court of the Cherokees, succeeding John Martin who died October 17, 1840, and rendered a distinctive and distinguished service in that capacity until his death. In the *American Baptist Magazine* in 1844 is this tribute to his ability and courage: "Being a man of undaunted courage, it had devolved on him to try and condemn men of the most abandoned character when no other judge in the nation would have dared to perform the duty." Given in an intimate view of the judicial mind of Jesse Bushyhead as Chief Justice, his charge to the jury is of particular interest:

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[24] *Ibid.*, 233.

[25] Starr, History of the Cherokee Indians (Oklahoma City, 1921), 256. Mr. George Mayes, a grandson of Bushyhead, calls attention to the fact that Jesse Bushyhead was one of the leaders of the Ross faction and yet was friendly with the Ridge or peace faction, and the doors of both factions were open to him. For example, he would go to the home of Joe Lynch, one of the leaders of the treaty faction and stay all night with him. Lynch was a good wrestler, but Bushyhead could throw any man in the country. When he was challenged by one of the men to wrestle with Ridge, he said, "If you don't bet, I will wrestle." They wrestled for a while and then quit before either was thrown. Lynch said of Bushyhead, "Bushyhead is the stoutest man I ever had hold of." He settled many difficulties with both sides.

"I trust none of you have any prejudice against the accused, and that you will all of you bear in mind that you break your solemn oath if you permit yourselves to consider anything in forming your judgment, but these facts which you conscientiously believe to have been unquestionably proven. There appears to me much in the evidence that bears heavily against Archilla Smith; and much too, of a suspicious complexion. I would beg you most scrupulously to separate the doubtful from the less doubtful; and not to permit any thing unsure to operate upon your verdict. It is a maxim, in these cases, of all good men, that it is better for ten guilty to escape than for one who is innocent to suffer. Bear this in mind, and if you feel in the slightest degree as if the accused has been accused wrongfully, let him be acquitted. We meet here only to do impartial justice to the living as well as to the dead; and he who is arraigned, and he who has gone to his account, are equally entitled to it at your hands, and, I am persuaded, will receive it equally."[26] When the jury reported to Chief Justice Bushyhead that they could not agree on a verdict, he sent them back with the comment: "The rights of the accused and of the nation equally require a decision; and a decision, one way or the other, must be given. If the accused is not guilty, it is unfair and injurious to detain him;—if guilty, it is equally hurtful to him and to all, to procrastinate a decision, which, sooner or later, must be made."[27]

The Cherokees, led by Jesse Bushyhead and Evan Jones and other temperance advocates, were very strict in their laws relative to the use and sale of intoxicating liquors. The *Cherokee Messenger,* in commenting on a temperance society organized among the Cherokees, said: "It is well known that the laws of Cherokee Nation are very strict in prohibiting the introducing and vending of ardent spirits, thus setting an example which the neighboring state of Arkansas is very backward in imitating. The pledge was drawn up and signed by twenty-four persons before the formation of the Society." Even before the Cherokees left their old home in the east, Evan Jones wrote in the *American Baptist Magazine,* "Temperance is gaining ground. All the members of the church are also members of the temperance society. There are many instances of the most inveterate abstinence in which a radical reformation has been effected, and apparently hopeless victims have been restored to respectability and usefulness in society."[28]

[26] Foreman (ed.) *Indian Justice by John Howard Payne,* 45.
[27] *Ibid.,* 71.
[28] *American Baptist Magazine,* June, 1833.

On Wednesday night, July 17, 1844, after a brief illness, Jesse Bushyhead, still a young man only forty years of age, was called to his reward. In the old "Baptist Mission" cemetery near Westville is a monument at his grave on which is this inscription: "Sacred to the memory of Rev. Jesse Bushyhead, born in the old Cherokee Nation in East Tennessee, September, 1804; died in the present Cherokee Nation, July 17, 1844. 'Well done, thou good and faithful servant; thou hast been faithful over a few things, I will make thee ruler over many things. Enter thou into the joy of thy Lord.'" An inscription in Cherokee is at the bottom. On the other side is the inscription:

"Rev. Jesse Bushyhead was a man noble in person and noble in heart. His choice was to be a true and faithful minister of his Lord and Master rather than any high and wordly position. He loved his country and people, serving them from time to time in many important offices and missions. He united with the Baptist Church in his early manhood and died as he had lived, a devoted Christian."

Concerning Bushyhead, Solomon Peck, American Baptist Mission Secretary, paid the following deserved tribute:

"No one of our native preachers was more highly valued than Brother Bushyhead, none whose service seemed so useful and indispensable. His mature piety, his knowledge of divine truth, his sound judgment, his personal ministry of the Cherokee language, as well as a familiar acquaintance with our own, the confidence reposed in him by his countrymen and by us, and the rightness of preparation in all respects to do a great work for all his people, both in preaching and translating the Word of God, all seem to mark him as the one chosen of God to carry on the work of evangelizing the Nation to its completion."[29]

Jesse Bushyhead and Evan Jones were so intimately connected in their ministry to the Cherokees that any study of Bushyhead should include Evan Jones, also.

Evan Jones was born in Wales, in May, 1772. He resided thirteen years in London, as a merchant, before coming to America. He was appointed, July 24, 1821, missionary among the Cherokees.

[29] *Cherokee Messenger*, Dec., 1844.

In 1825 he was ordained pastor and the Tinsawattie Church was received into the Hiwassee Association in Tenneessee.[30] For several years he served in that particular mission field. After the *Cherokee Phoenix* was first issued at New Echota, March 1, 1828, by Elias Boudinot, Evan Jones wrote, "On my way to New Echota I saw some Indians sitting under a tree reading the *Phoenix* while their horses were feeding; a very pleasing change from the listless lounging in which they used to indulge."[31]

In 1840, after the Removal, an order came from the War Department prohibiting his continuance in the Cherokee Nation. A few months later that prohibition was revoked by order of the Secretary of War, stating that the charges were groundless.[32] Jones was interested with Upham in the publication of the *Cherokee Messenger,* the first paper published in the Indian Territory. The statement is made in July, 1846, "Six numbers of the Messenger, each 1,000 edition, 20 pages, have been printed and are sought with great avidity. The last contains the conclusion of Genesis in Cherokee (Genesis had been translated by Bushyhead); also a portion of Luke's *Gospel.*"[33] One of the early issues of the *Messenger* contained extracts from Parley's *Universal History;* also, portions of Cherokee Grammar. According to Starr, about fourteen issues of the *Cherokee Messenger* were published. In July, 1848, a report of the printing press from the beginning was published showing that altogether nearly a million pages had been printed. Among the publications were portions of the *Bible, Pilgrim's Progress,* Parley's *History,* and a *Tract on Maternal Duties.* In 1845, Evan Jones wrote: "I have known aged Cherokees who would not go to hear the Gospel preached until some friend put the printed Word into their hands." The *Cherokee Messenger* was revived in June, 1859, for a brief season.

Among the churches in the Cherokee Nation which Jones named in his reports to the Board were Cherokee (Bushyheadville), Flint, Tinsawattee, Delaware, and Verdigris (between Grand and

[30] *History of American Missions to the Heathen,* p. 392.
[31] *Ibid.,* p. 393.
[32] *American Baptist Magazine,* 1844 & 1845.
[33] *Ibid.,* July, 1846.

Verdigris rivers). N. Sayre Harris, Secretary and General Agent of the Episcopal Church, made a tour of the Indian Territory in the spring of 1844, and named the following Baptist missionaries in the Cherokee Nation: at Cherokee, Rev. E. Jones, Mrs. J. T. Frye, W. P. Upham, Miss S. H. Hibbard, H. Upham; Delaware, Miss E. S. Moore; Flint, J. Bushyhead.[34] Mr. Upham reported July, 1847, in the *Indian Advocate*: "Mr. Jones has some ten or twelve preaching places in the Nation and some 500 or 600 members." In 1854, according to the Commissioner of Indian Affairs,

"The Baptists maintained at their mission near the Arkansas line a press on which in 1854 were printed a large number of extracts from the *Scriptures,* translated from the English into Cherokee by John Butrick Jones. The Baptists had six churches and four branches with 1,200 members, mostly full-bloods; there were five hewn log meeting-houses erected by the Indians, varying from thirty feet square to seventy by thirty feet, and five smaller ones for neighborhood meetings. Some of the missionaries, however, were exasperating the slave-holding Indians by their discussions of the subject of emancipation."[35]

In 1856 Evan Jones was joined by his son, John B. Jones, who had been graduated from Rochester the preceding year. John B. Jones had grown up in the Cherokee Nation and in his early teens was his father's interpreter.

Early in the Conflict between the States the abolition question entered into the ministry of Evan Jones and his son, John B. Jones.[36] A bill expelling all free Negroes from Cherokee soil passed the Upper House and by majority of two in the Lower House, but was vetoed by Chief John Ross. In July, 1861, J. B. Jones was driven from his post by order of the U. S. Indian agent on "false charges of intemperate abolitionist" and went to Upper Alton in Illinois.[37] For example, the report of the Commission sent to the

[34] Carolyn Thomas Foreman (ed.) "Journal of a Tour in the Indian Country," *Chronicles of Oklahoma,* June, 1932, p. 256.

[35] Foreman, *The Five Civilized Tribes,* 412.

[36] *American Baptist Magazine,* 1860.

[37] *Ibid.,* July, 1865. Much information concerning the question of slavery among the Cherokees and the attitude of Rev. Evan Jones may be found in the volumes by Anna Heloise Abel: *The American Indian as Participant in the Civil War* (Cleveland, 1919); *The American Indian as Slaveholder and Secessionist* (Cleveland, 1915); and *The American Indian under Reconstruction,* (Cleveland, 1925). See also Angie Debo, "Southern Refugees of the Cherokee Nation," *The Southwestern Historical Quarterly* (Austin, 1897-), XXXV (1932), 256ff; Wiley Britton, "Some

Indians from Texas to secure the friendship and co-operation of the Choctaws, Cherokees, Chickasaws, Creeks, and Seminoles, stated: "The fact is not to be denied or disguised that among the common Indians of the Cherokees there exists a considerable Abolition influence created by one Evan Jones, a Northern missionary of education and ability who has been among them for many years and who is said to exert no small influence on John Ross himself."[38] Again, in one of the Abel volumes[39] is a criticism of Evan Jones, "As a Baptist minister who is said to be an Abolitionist and a very dangerous man, meddling with the affairs of the Cherokees and teaching them Abolition principles." At one time Evan Jones is quoted as writing, "I feel assured that the Full Indians, the Creeks, Cherokees, Seminoles, and small bands living in Creek Nation, are faithful to the Government."[40] But Evan Jones was counted a champion of the Indians and in the same volume reference is made to him: "The true friends of justice were men of the stamp of W. S. Robertson and the Reverend Evan Jones, who went out of their way to plead the Indian's cause and the detailed and extenuating circumstances surrounding his lamentable failure to keep faith. . . . Jones wrote frequently and at great length on the subject of justice to the Cherokees."[41]

In a journal of that day was printed the following:

"Mr. Evan Jones, seeing the aspect of things around him becoming more and more alarming, especially for himself, left the country last summer, since which time he has resided at Lawrence in the State of Kansas where he has watched the current events and awaited, not without hope, the time when he might with safety return to his chosen people. . . . His family remain at the old home in the Cherokee Nation."[42]

In a long letter written from Philadelphia in 1863, the statement was made that at the session of the National Council in Feb-

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Reminiscences of the Cherokee People," *Chronicles of Oklahoma* (Oklahoma City, 1921-), 163ff.

[38] Abel, *American Indian as Slaveholder and Secessionist*, 93.

[39] *Ibid.*, 47.

[40] Abel, *op. cit.*, 63.

[41] *Ibid*, 225. There is reference to a lengthy appeal by Jones (January 21, 1862, Indian Office, Consolidated Files, Cherokee, J556, 1862).

[42] *American Baptist Magazine*, 1862.

ruary, 1863, the treaty forced on them by seceding states was abrogated and declared null and void and that "Slavery was unconditionally abolished within the limits of the Cherokee Nation."[43] Evan Jones spent a large part of 1864 at Philadelphia further seeing to the interest of the Cherokees with the Federal Government. Women and children had been reduced to poverty and starvation. Many had died of exposure and want. As one writer expressed it:

"At last the war ended and it is safe to say that in all the South there was no equal area that showed half the wreckage and ruin, physical and social as that of the Cherokee Nation."[44]

In the missionary report published in July, 1865, the statement was made that J. B. Jones had been preaching to the Cherokees of an Indian regiment. A temporary church was founded at Fort Gibson with 120 members. A school for freedmen was established by J. B. Jones. In 1865 the Cherokee press and type were destroyed.

In 1866 the American Baptist Missionary transferred to the American Home Mission Society all title and interest belonging to the Missionary Union in the Cherokee Nation. However, the veteran Evan Jones was retained by the American Baptist Missionary Union and sustenance provided for him to make his declining days comfortable. The treasurer's report shows that such sustenance was paid him each year until his death at Tahlequah, August 18, 1872, at the age of eighty-three years and three months. His closing days were summarized in the following words:

"He was a man of scholarly attainments and acquired the Cherokee language and spoke and wrote it freely. The confidence in which he was held among the Cherokees who venerated him as a father, was never impaired. Even in the hours of his last illness, they came from far and near to hear a few last words of comfort in their native tongue from their revered friend. For the past three years he resided at Chetopa, Kansas, at the home of a daughter, and was on a visit to his son at Tahlequah at the time of his death. He was

[43] *Ibid.*, 1863, p. 288.
[44] W. R. L. Smith, *The Story of the Cherokees*, 207.

sick only a few days. The previous Sabbath he attended church and heard his son preach.''[45]

[45] *American Baptist Magazine*, 1872. The author is indebted to the following persons for information furnished: Robert Sparks Walker, J. P. Brown, and Mrs. Penelope Johnson Allen of Chattanooga, Tennessee; George Mayes, grandson of Chief Justice Bushyhead, of Oklahoma City; Mrs. J. W. McSpadden, granddaughter of Bushyhead, of Tahlequah; Stanley Clark of Oklahoma City; Dr. B. D. Weeks, President of Bacone College, Muskogee; Rev. J. M. Wooten, Cleveland, Tennessee, who has several valuable scrapbooks which throw light on the early career of Jesse Bushyhead. He has also found helpful files of the *Columbian Star*, 1822-1825 in the Library of Congress and *The Baptist*, 1836 (Nashville) and the works of Emmett Starr.

SOME EXPERIENCES OF C. H. RIENHARDT[1] IN EARLY OKLAHOMA

By Mildred Milam Viles

Charles Henry Rienhardt was born in Portsmouth, Ohio, on April 20th, 1860. In 1872 the Rienhardt family moved to Missouri on the south side of the Quapaw line and in 1879 Charles, then called Henry, and his brother, Joe, went to Texas to start driving cattle. They took their saddles to Turkey Run to get their horses and on the way came across the remains of Pat Hennessey's wagons. The charcoal was still fresh. Hennessey, a freighter, had met some hostile Indians. He had fired once and then the shot had stuck in his gun. The Indians had tied him to the wagon and burned him. Hennessey, with the remains of his shovel, was buried at the side of the trail.

The Rienhardt boys, with Billy Parks, took forty-five saddle horses to meet the herd at Albany, Texas. They were to drive them to the Cherokee strip and to Trail City, west of Dodge City. This herd, the first held in old Oklahoma, was a beef contract from the Government to feed the Indians. This was their reason for being allowed to stay in the state. Their route took them by Anadarko, then the site of the Kiowa and Comanche Agency, on the Washita river. They spent the night at a stage stand and were advised by a man there to put their horses in the corral. This corral had heavy bars through which chains could be drawn and locked. This precaution was advised because the Kiowas and Comanches, who had been corralled, had escaped the day before and were all through the hills on foot. However, the horses had been driven fifty-five miles that day and they needed grass. It was decided to leave all of them outside and to hobble and bell some of them. The men slept out and staked their saddle horses near by, but, for the first and last time, removed the saddles from them. All at once the ringing of the bells awakened the cowboys.

[1] Based on interviews with C. H. Rienhardt, Magdalena, New Mexico, during October and November, 1934. This manuscript received the prize of $50.00 in a recent contest.

The Indians were driving the horses down Honey Creek canyon. The boys caught their horses, gave chase and managed to recover their stock. They put them in the corral for the rest of the night and the following day went on to Ft. Sill. Here the Indians wanted to buy some of their horses but none was sold. The Agency had killed six hundred head and sold the rest. These horses had been taken from the Indians. There were twenty-eight bands of Comanches each headed by a chief. To each of these bands the government gave one horse, one pony, and a herd of sheep. The Indians would pack the one horse, go to Texas and come back with several. In six years they had more horses than when the government took them.

From Ft. Sill the Parks outfit went to Red River where they camped on the creek. The river was up and the next morning fifteen horses were gone. In the sandy country they trailed them until noon. Bill rode in circles from the trail and finally saw an Indian on a hill. He rode around both sides of the hill and found fourteen of the horses but the Indian and his horse were gone. The outfit was without water all day but got back to camp by evening. Everything there was just as they had left it. The next day they rode into Texas and on to Albany. The entire trip had required five days.

They had to wait in Albany a week for the cattle to arrive. There were 2500 head and two days were spent in putting the road brand on them. This was done in a stone corral four or five miles from town. The cattle had to be roped to be branded and twenty-five were crippled. They finally started north with eight drivers and a cook in the outfit. On the way they ran into a band of thirty-five Comanches who demanded two beeves for a grass fee. When this was refused the Indians threatened to kill them but finally left. This was the only outfit on the trail that summer and it didn't pay.

The next spring, the spring of 1880, Joe went on west gathering cattle and Henry was sent south. On the way he met Harry Halsell who was going to the same outfit. The negroes were

coming in wanting to work the cattle. Captain Charlie Murray, the round-up captain, gave the order to let the men from the north work first. One negro announced that he would work his cattle when he found them and Murray promptly killed him. The next night the cowboys camped on a rise above the Washita river with the negroes camped below. They lay around the wagons and made no fires. Murray decided to take one man and go down to talk to Dick Glass, a Creek negro and an Oklahoma outlaw. The cowboys tried, without luck, to dissuade him. He went to the negro camp and told Glass that they were 250 strong but that if the Creeks wanted a fight to let them know. There was no trouble. The next day Halsell rode up on a hill and Henry joined him. Halsell said, "Henry, if one of those negroes tries to work his cattle, he'll be dead." However, none tried.

The following day the cowboys ran across an A H E cow and cut it out. A negro rode up and said, "What are you cutting that on?" Charles (Henry) replied, "On a dun horse." Then the negro protested, "But that cow's been in my herd for over two years." Said Henry, "Negro, I want a yearling and I'm going to have one." He got one with the negro's brand.

About this time, the Hardman outfit, consisting of Hardman, his son and some hands, came through from Texas with horses to sell farther north. An Indian met them and demanded so many horses for a grass fee. When Hardman refused, the Indian started riding through the stock shooting. Hardman's son shot once. The bullet went through the Indian's head and his horse's head. The Hardman outfit ran for cover in an old stone bakery in Cantonment, Indian Agency, and then sent a courier for a regiment of soldiers and on to get the round-up outfit. There were about 200 men in the outfit; so they left the herd and the saddle horses to follow with the wagons, and rode out. On the way they met the courier who told them that the regiment had released the men and given them water. The round-up boss said, "Now, we'll ride on in and you boys get off and mingle with the Indians. If a shot is fired you kill every one of them." The cowboys went among the Indians, stepped on their toes and brushed

against them but only a "Hello, John" met them. No shots were fired.

The round-up boss sent twelve men with Hardman to Ft. Reno. Hardman told Joe, who was with the party, "I'm going to lose everything I have before I get out of here. I want you to have this little mare. She's not blooded but she's fast." At Ft. Reno the government paid Hardman more for his horses than he would have got if he had gone on.

Joe took the mare home and one night along with seven other horses, she was stolen. Joe was now working for Bridgeman and Broadwell and one of Harry Bridgeman's boys came down from the Cheyenne reservation and told Joe that his mare was there with seventeen brands on it. He could recognize her because she had a small turkey track on one flank. On hearing the news, Joe said, "Saddle a fresh horse, Harry." But Harry protested, "For God's sake, Joe, wait till some of the punchers get back. I'm not going with you. It's too late, anyway." But Joe's answer was, "I can get there before dark." He saddled his horse and went on up to the reservation. All of the Indians knew him and the Cheyennes had given him the name "Nomos," which was their word for left hand. Joe was left handed. When he reached the reservation he rode past the teepees to where he saw some horses and his mare. He drove them out and back down to the teepees where another of the horses stood, saddled. He sat with his Winchester on his knee and made signs for an Indian to come out and remove the saddle. The Indian refused, put a rope around the horse's neck and went back into the teepee. Joe cut the rope and started driving off the horse. The Indian came running out crying, "Hold on, John, hold on." He removed the saddle and Joe drove the horses on into the camp, where the punchers were more than relieved to see him.

In 1881 Henry started working for W. B. Grimes. At this time the average cowboy's salary was $45.00 a month and $50.00 when they were on the trail. One time when they were going west they came to some Cheyenne and Arapahoe Indians who

had a horse beonging to the Flying V. Tom Ingram of the Flying V was with the outfit and recognized the animal. The Indians wanted pay for finding him but Tom refused, took him and started home. All at once about fifty Indians rode over a hill, surrounding and covering the seven cowboys. They demanded the horse. Albert St. Johns, the wagon boss, drew his gun and stuck it in an Indian's face. At the same moment one of the Indians pulled his gun in Ingram's face. Ingram said, "Move that gun, John. It might go off." Afterwards that remark could always get a fight out of him. The Indians took the horse and left.

The outfit was sent to Wichita Falls to unload 2500 head of stock cattle. As the river was dry they moved on to Henryetta. There were holes in the river with water in them. That night it rained and the stockyards were running with water. The next day they took the cattle across the river and spent one day and a night with a man who had good grass. He charged them $300.00 for grazing privileges. From here they moved on up to the South Canadian River and camped. The river was up and it was still raining. In driving the cattle across the river the next morning many of them bogged down and two men had to work together to dig them out. They went on to the creek and laid up for several days to rest and fatten the cattle. Then they went on to the ranch which was south of the Cimarron in old Oklahoma. That year Henry and his associates drove 9000 head of cattle and spent most of their time on the range.

About this time two eastern boys came out to learn the cattle business so that they could go into it. The outfit took them along as cooks on a trip west to keep the cattle out of Indian territory. On this trip St. Johns came across another American horse. The Indians, as usual, demanded pay for finding him but St. Johns refused, roped him, put a hackamore on him and took him back to camp. He told the eastern boys that the whole Cheyenne nation was after them and rode off. The boys tried frantically but unsuccessfully to catch some horses. One had a steak knife and the other was whetting his knife on a wagon wheel.

The outfit kept up the pretense for a while and then told them the truth.

Shortly after this when the boss had to leave to be a witness in a murder case he turned the outfit over to Henry and Gilfoil. Shortly after this it was turned over to the C Bar, which was located on the North Canadian River close to Ft. Reno. The new boss came, counted out the cattle and took them down the trail. Late that winter Henry and Gilfail were let off and Henry started over to see his brother Joe. On the way he stayed all night with the Gilroys. The Gilroy and Howard outfits were the U T K and the A H E. That night a prairie fire broke out and they fought it until 2 o'clock in the morning. Their method of fighting fire was to kill a cow, chop its head off, split it down the middle and then drag it over the buffalo grass, holding it by one front and one back foot. When one cow burned up they would get another one. The next morning the boss came up to Henry and said, "Young fellow, would you like a job?" "Yes," answered Henry. "All right," said the boss, "you can go to work right now." Henry explained that he wanted to see his brother and asked if he could start work a week later. The boss said, "Make it two weeks but your pay starts right now."

The Bridgeman outfit sold out about 1883 and moved on. Joe went with the Grimes outfit, the W B G. He stayed up and tried to watch the cattle to keep the Indians from getting them. Henry was in headquarters now but he got reports from every one who came down. Once Joe discovered some dogs who had a beef down and were eating it up. Some Indian squaws were trying to drive them off. Joe shot into the bunch and killed six dogs. The squaws ran, yelling to him to stop shooting. One day he rode up on six Indians who, he knew, had just killed a beef. He wanted to catch them in the act; so he sat down and smoked a peace pipe with them. When they finished the Indians stood up and said "Good-bye, John." Joe made no answer so they sat down again, smoked another pipe and said "Good-bye" again. Still he made no answer, so they repeated the procedure for the third time. This time Joe said "Good-bye" and

rode off. However, he stayed close enough to watch them load the beef on horses and then he followed, wanting them to unload in Kingfisher. At the river he came up with them. They jumped their horses down a steep bank and crossed but Joe went around. When the Indians reached their teepees, they jumped off of their horses, gave them a slap and took the meat inside. As Joe rode up an Indian, with blood on his trousers, came out of the teepee and said, "Why, hello, John. When you come?" For two days they parleyed. Three times Joe asked them about the beef and three times they told him "No." This is the only time Henry ever heard of the Indian lying on the third question. Finally Joe told them that if they would show him the hide he would say nothing. They promptly brought it from the creek where it had been weighted down with stones. The brand was on it. The Indians looked guilty but reminded Joe of his promise.

One day Joe met two of the Indian police on the road. They called to him to stop, approached and dropped to their knees with their Winchesters leveled on him. They told him to give them his six-shooter but he refused. Again they made their request and again he refused. Then one of them said, "Paper from agent, John." Joe pulled out an old letter. They looked at it, said "All right" and rode away.

Not long after this a boy was killed while riding the fence. It was about 200 miles around the fence and it had to be ridden every day. The boy's wife cooked for the outfit. He was shot in the middle of the forehead and the wound had been slashed with tomahawks. He had surprised some Indians killing beef. Tom Love, Henry, St. Johns and another man were sent out one day. When Tom came in, he said, "Well, an Indian's dead. The bad one. He was shot in the forehead the same as the white boy." When asked for particulars all he would say was, "He was killed with this six-shooter. I loaned it out." Of course, the cowboys knew that he had killed him himself.

In 1883 or '84 the government put the cowmen out of old Oklahoma. It made them cross the Cimarron into the strip coun-

try but as soon as the soldiers disappeared the cowmen would cross back. One night the cowboys discovered some soldiers setting fire to the grass. The companies were about equal so the cowboys started abusing the soldiers but couldn't stir them to a fight; so they gave up and set to work killing the cattle and putting out the fire.

Henry and another boy had been left in a tent under a bluff containing shucks and feed for the horses. They thought they had a warm place but a norther came up and froze the Cimarron solid. For forty-eight days the cattle had no water and died by the thousands. They started the winter with 9000 head and by spring had only 4000.

Plum and Lydle, another outfit, had 14,000 head but they were causing trouble in the Indian country and had to move north of Henry's party. The cattle drifted down by the river and the next spring they gathered but 2600.

Henry and St. Johns were sent west to gather the strays. One day they found a steer and cut him out of the herd but the Indians drove him back. St. Johns rode off to one side, dismounted, pulled his six-shooter and said, "Now, Henry's going in there and get that steer and bring him out here. The first one of you who tries to turn him back will get a bullet." Henry rode into the herd expecting a bullet any minute but he cut out the steer and no one made a move.

Henry and Joe went on up to the quarantine grounds, which were on the edge of the strip, with one herd of Grimes' cattle. They shipped the cattle and then Grimes wanted them to go on west with him but they decided to quit. In June they began buying horses from the Indians. The tribes with which they traded were the Kiowa, Comanches, Wichitas, Caddos, Keechees and Apaches.

The Caddos and the Keechees were having a big dance and it looked to the boys like a good chance to trade but the Caddos sent them on after telling them that no whites were allowed to

mix with the Indians at a dance. It was late and their horses were tired but the Indians sent them on anyway. A Keechee boy came up to them and made signs that he would take them home with him and they could sleep there. They accepted his offer and the three of them rode off. When they came to a trail through the timber, the boy stopped and made signs that he would go on and have the squaws prepare food. He told them how to go, how many hills they must pass and how many times they must cross water. Then he rode off. It was about 10 or 11 o'clock at night and the boys' horses were tired and slow. Finally Joe said, "By gollies, I'll bet we missed that trail" and just then they saw the camp. The Indian boy came out to meet them, dressed only in a breech clout, and said, "Hello, John." His house was made of grass, woven so tightly that it could keep out the wind and the weather. A bench, five or six feet wide, ran around the outside of the house. In the summer time they all slept out.

They took their horses to pasture and the next Issue day Henry rode to the Agency. There he saw a Comanche whose wife had run away with an Apache. The Comanche had caught them and had just returned with his wife. He jerked her off of her horse by her hair and beat her with a quirt. The old Indians, who were sitting alongside, never looked up. Finally, Henry saw Corpio, a friend of his, and he said, "Corpio, look there, look there." Corpio told him the story in signs but he did not look up. Finally the boy took his wife on over to the Washita and killed her. Nothing was ever done about it.

A good friend of the Rienhardt boys was Bill Deterick, whose wife was one-half Comanche. On Issue day the Indians would camp near his house. One day when the boys were there they heard some mournful wails and went down to investigate. They found four old squaws who had met for the first time in a year. Two were from the Little Washita and two were from the Big Washita. They had just heard that a chief was dead and they were walking around the teepee, with their skirts thrown over their heads, wailing and moaning. One of them was on crutches. They had whetted their knives so that they would cut deeply into

the skin and they had cut their arms and legs until they were bleeding all over. Their belief was that since the chief had lost blood they must, also.

Several issues later, at the same place, four Comanches were driving in four beeves to the teepees so that the squaws could kill and dress them. Bill Deterick said, "Let's go kill them, boys, because I don't want them killed on my land so close to the house." They met the Indians at a corner of the fence and shot the cattle. One of the Indians came up and said, "Who fired the second shot?" Deterick told him that Henry did, so the Indian showed them a hole through his shirt under his arm. He thought it had been done purposely. Deterick got his wife and she explained for one and a half hours. The boys had their horses ready and could have killed the Indians but it was twelve miles to Ft. Reno and escape was doubtful. Finally the Indians were satisfied and came up and shook hands.

Chief Quanah Parker was the big chief of the Comanches. One night while Henry and Joe were in his camp, the medicine man was lying on the floor shaking a gourd so that it wouldn't rain in Texas. Joe said, "Do you believe in medicine, Quanah?" Quanah answered, "Only when I'm with the Indians." His mother was a white woman who had been taken captive by the Indians. He told the boys about when he was a young warrior. The medicine man had told him that an outfit was coming up from Texas. He said they would meet on the banks of the river. The river would be up and the Indians would follow. The outfit would leave their saddle horses and cross the river. The Indians would get the cattle, kick in the dugout door and no shots would be fired. When it happened, Quanah kicked in the door and was shot in the stomach. The cowboys escaped. Since Quanah was the chief's son he was brought home and he recovered. He repeated, "Believe in medicine when I'm with the Indians."

One day while the boys were riding on the south bank of the Little Washita a brave saw them and ran to Chief Little Crow to tell him of their arrival. They had to go to his teepee first

as a special honor. On their way they saw a woman with a little boy and girl ride up to the camp. Immediately the squaws started wailing and Joe decided that an Indian must have died. If so, the people wouldn't talk. They went on to the chief's house. He didn't say a word and then motioned for them to come in. He got a box of cedar leaves, knelt down and sprinkled the leaves on the floor. Then he got up and began to talk. When the boys went out they found the squaws, with the pony down, digging in his hoof to see what made him lame. Everything seemed to be normal again but they discovered the reason for the wailing. The woman's baby had died some time before and she hadn't seen the squaws since. Naturally, they must mourn.

Indians would always steal horses but never money. At night when the boys would go into the chief's teepee, he would ask to see their money. They would throw the pocketbook to him and he would spread out the money all over the tent, asking denominations of each piece. The traders could carry as much silver as they could load on a horse. At night they would put the sacks by the head of their beds. The chief would want to know how much they had but none was ever taken.

After the boys had traded for horses they would drive them north and sell them through Kansas and Nebraska.

Henry and Joe traded horses for many years and then Henry settled on a farm in northeastern Oklahoma, which he still owns. He is living near Magdalena, New Mexico, where he has a cattle ranch of approximately 65,000 acres. He is still in excellent health. The preceding experiences are just a few of the multitude of interesting things which happened to him and to his brother, Joe.

AN ADDRESS[1]

By W. W. Hastings

The Indians of America have left their imprint upon the history of the Nation.

When the first English colony was settled at Jamestown in 1607—330 years ago—it was estimated there were approximately 900,000 Indians, grouped into some 300 tribes and speaking about 200 languages or dialects, claiming a possessory right to the entire continent afterwards to be included within the forty-eight states.

In the first hundred years the Government made 653 treaties with ninety-seven Indian tribes.

The Cherokees occupied a large territory in the southeastern part afterwards included within the limits for the most part of the five states of North and South Carolina, Tennessee, Georgia, and Alabama.

The boundary lines of this large area were reduced from time to time by treaty but never enlarged.

Missionaries were welcomed, boarding schools were established, the Sequoyah alphabet was invented, some of their young men were trained in eastern colleges, intermarriage with whites was permitted, all resulting in an awakening that led to a study of government suited to their needs and the election of delegates to prepare a constitution in 1827 which pioneered the way for other Indian tribes.

This constitution was a model, phrased in concise language, and sufficiently comprehensive to meet the existing conditions among the Cherokees.

One hundred and ten years later we marvel at the following progressive educational provisions:

[1] Given at the dinner of the Cherokee Seminaries Students' Association, at the American Indian Exposition, at Tulsa, Oklahoma, on October 23, 1937.

Religion, morality, and knowledge being necessary to good government, the preservation of liberty and the happiness of mankind, schools and the means of education shall forever be encouraged in this Nation.

Protected by the guarantees of their organic law and the legislation enacted to vitalize it, the Cherokees built comfortable homes, opened up farms, and were possessed of an abundance of livestock.

They fell a prey to the covetous eyes of those among whom they lived, and were surrounded by avaricious people intent then as now upon securing possession of their property. Conditions, political, legislative, administrative and judicial, were created which resulted in their being despoiled of their property; their homes in effect were confiscated, treaties were not observed and enforced, the decisions of the Supreme Court ignored; counseled by unworthy intriguing representatives of the Government, torn by strife among themselves, they were forced to yield and to remove to this their western home.

We must not pause here to examine more critically the darkest chapter in the history of the Government dealing with these Indian wards, who mere, for the most part, unlettered and non-English speaking. This will meet with the severest condemnation of history.

The inadequacy of preparation made for their removal and for their care upon reaching their western home resulted in a frightful mortality and indescribable suffering which could have been avoided.

We must not longer dwell upon this picture, but turn to the brighter side.

The Cherokees and the Five Civilized Tribes were induced to remove to this area of unexcelled natural resources and finally settled there.

Wise counsel prevailed. The act of union of July 12, 1839, reunited them. A revised constitution was adopted September 6,

1839. Trees were felled and homes built. A reunited government was formed. A common school system including room for orphans was provided. Later the two Seminaries were authorized in 1846 and opened May 7, 1851.

Strife among them allayed, they were building a new civilization in this their western home when the War between the States interrupted their progress and retarded their future growth.

Notwithstanding almost insuperable difficulties and internal strife the Cherokees made such rapid advances in civilization that they will forever brighten the pages of history.

My Cherokee friends, we have a continuing duty to perform. We were made citizens, if that were necessary, by the Act of March 3, 1901. The seal of our passing government became a part of the great seal of our new State when admitted November 16, 1907.

We were assimilated into and became a part of the citizenship of this splendid commonwealth of Oklahoma—the home of the red man.

In 1917 and 1918 we supported the flag of the Nation and assisted in bringing it back in triumph from across the sea.

We owe a continuing duty to our state and nation to join with our other patriotic citizens in every effort to promote the interests of our state and to live in the present and not dwell on the injustices of the past, remembering the fate of the remnants of the Five Civilized tribes that remained behind, including the Seminoles, who became nomads and homeless in the Everglades of Florida; the Mississippi Choctaws, whose poverty beggared description, and the Cherokees who escaped into the mountain fastnesses and finally settled on a reservation in North Carolina; all with no chance for educational advancement or government development. But with our eyes to the future, we are intent on contributing our entire energy to the improvement of our State and to the making of the forty-sixth star, which represents Oklahoma, the brightest in all of the galaxy.

MILLIE DURGAN

By George Hunt.

Millie Durgan's foster father was a noted Kiowa warrior named Au-soant-sai-mah, who was a partner of the famous chief Set-ankeah (Sitting Bear), or Satank, as he was known to the white people. Both of these men were members of the Ko-eet-senko, which was a warrior society composed of the ten bravest members of the tribe. Au-soant-sai-mah and his wife apparently had no other children than the foster child. It was customary that captives, especially Mexicans, led a rather hard life, and were not much better off than slaves. Millie, however, happened to become the foster child of a couple who treated her better than usual. They were exceedingly fond of the little girl, and gave her the same consideration which she would have received if she had been their own flesh and blood. The foster father was a man of considerable wealth in the tribe. That is, he had plenty of horses of the best stock, a good tepee, and fine clothing and weapons. Nothing was too good for his foster daughter. She always had a fine pony to ride, and the best of clothing to wear. Her foster mother on one occasion even injured herself in scraping cedar poles in order to purchase for her a fine garment which she especially desired for the girl.

Millie's grandmother, her sister Lottie, and the Negro slaves captured in the Elm Creek raid were all ransomed at Camp Napoleon, near the present town of Verden, in 1865. Millie, however, was not given up. Her foster father asked the other members of the tribe to promise to keep it a secret from the white people that the captive girl was still alive. Mrs. Clifton made several ineffectual attempts after this to get some information concerning the child, but was informed in each case that the girl was dead. There is on file in the Oklahoma Historical Society considerable correspondence concerning this matter, in 1871, 1878, and 1879; the agent of the Kiowas was either unable to get any information, or did not try, for the story was still told that Millie

MILLIE DURGAN

was dead. Her foster mother used to keep the child's face painted when she was near Fort Sill, so that the authorities would not know that she was white.

Millie grew up as the daughter of wealthy, respected Kiowas. She always had the best of everything. This did not prevent her from learning all the domestic duties which an Indian woman had to know. She could tan hides, cook meat just as her parents liked it best, and was especially good at handling stock. She was fond of animals, and in this the Indians say that she showed her Texan ancestry. Even when she was a young girl she gave a striking demonstration of this. A deer came charging through the camp, chased by some men or boys. It was tired, but still able to defend itself by striking with its sharp front hoofs. Millie dived at the deer, caught hold of it, and threw it just like a Texan cowboy bull-dogging a steer. After the deer had been killed she claimed and received the hindquarter which she was the first one to touch. The hide was also tanned for her to be made into a buckskin garment.

When she was married and had her first child, the foster parents were extremely proud. They took charge of the infant, so that Millie scarcely had any care of it at all. Later when her father was in his last illness, she nursed him tenderly, and prepared for him a special dish of which he was fond, meat made tender by pounding, and mixed with tallow. The old Kiowa said that she had been a good daughter to him. She said that she was lucky to have such kind, fond parents, who never had whipped her or been unkind to her in any way. She doubted that her own mother and father could have treated her better, if as well. She never regretted her Indian life.

Millie was brought up in the Indian religion, and had a firm belief in the old idol medicines, the Grandma Gods and the Tai-me. When the Baptist missionaries came to Rainy Mountain she steadfastly refused to take up the new religion. However she did enjoy going to the sewing circles held by the missionary women. Soon, however, she learned that the Kiowa women were jealous of her,

on account of the special attention showed her by the missionaries. She promptly stopped going to the missionary house, for she did not care to have hard feelings with the other women of the tribe. She was always very shy when in the presence of white people. This may have been due to the fact that when she was a child her foster parents always kept her concealed from the whites. All her children adopted the Christian religion, but she refused until the death of her youngest son, when it suddenly came to her that the heathen religion gave her no comfort and little hope that she would meet her children in the next life. So at last she became a Christian, and was a very strong one at the time of her death.

BOOK REVIEWS

Southern Trails to California in 1849. Edited by Ralph P. Bieber. (Glendale, California), pp. 386. $6.00.

This is the fifth number in this excellent "Southwestern Historical Series," prepared by Professor Bieber. It is an expansion of an interesting article written by him and published in the *Mississippi Valley Historical Review* in the December, 1925, number, entitled "Southwestern Trails to California."

The substance of this article, and additional matter introduced by Professor Bieber, comprise the first 62 pages of the book under the title "Introduction." The remainder of the volume is a reprinting of numerous newspaper stories and other prints relating to his subject. No attempt has been made to connect these numerous accounts, their juxtaposition being relied upon to relate the sense of one to another. The different phases of the subjects discussed in the book are indicated by the following division of the contents: "Early News of the Gold Discovery, Advertising Southern Trails, Through Mexico to California, From Texas to the Gold Mines, Through Arkansas and Along the Canadian, The Cherokee Trail, the Santa Fe Trail."

Professor Bieber does not claim to have presented a definitive treatment of his subject, but he has nevertheless brought together an interesting collection of material touching the field on which he is working, and as the accounts reproduced by him are all practically contemporary with the events described they are bound to carry conviction of their substantial accuracy. Professor Bieber reproduces the original documents with some alterations. He has changed their spelling, paragraphing and capitalization to conform to the format of the publisher. He has also, he says, occasionally altered their punctuation and word order where the change avoided awkward expressions or where it clarified the meaning of the authors.

The editor thus undoubtedly improved the appearance of the printed page. But these changes sometimes involve an editor in difficulties, as illustrated on page 294, where the writer is made to say that the Seminole Indians he saw were "considerably stewed" when he actually wrote in the idiom of the times that they were "slewed." And on page 336, on the rock to note their passing, the inscription, limited by necessity to a severe abbreviation, is expanded in the book to twice its length, and is not, in fact, a copy of the original. He also drops the final "s" of the journalists' rendering of the plural of Comanche and other Indian names, in order to achieve the correct spelling, thus committing the writers of 1849 to a spelling they did not use and probably knew nothing about. These requirements of a publisher do not seem quite fair to an editor.

This book is accompanied by a map of the routes described by Professor Bieber, though this reviewer finds an error in the route from Fayetteville and Tahlequah northwest to the Santa Fe Trail. This route really led west from Fayetteville, Arkansas, through Tahlequah, and continued west to the crossing of the Grand River, and not north from Tahlequah as the map has it; but this is probably one of a very few mistakes.

This work will be indispensible to the student who would acquire a knowledge of the subject treated by it. However, as he will find no index in the book he will have to exercise his patience if he can until in the distant future a full analytical index is to be supplied in Volume 12.

—Grant Foreman.

Muskogee, Oklahoma.

Dawn of Tennessee Valley and Tennessee History. By Samuel Cole Williams, LL. D. (The Watauga Press, Johnson City, Tennessee, Pp. XI and 495. $5.00.)

This volume is one of a series planned by Judge Williams. *Early Travels in the Tennessee Country* and the *History of the Lost State of Franklin* have been published. *Tennessee During the*

Revolutionary War is to follow the current volume, bringing the story of the region from 1541 through the State of Franklin on to the period of the South West Territory. This volume was prepared with the belief by Judge Williams that the time has come when the histories of several of the older states in the Union ought to be rewritten. The great increase in population in the State of Tennessee entitles it to much more careful treatment historically than it has heretofore received.

Another consideration of greater weight with the author was the vast amount of archival materials that have been brought to light and arranged for the benefit of the student during recent generations. This new material affords an opportunity to correct errors and supply lapses left by earlier historians who labored without the advantage of material available to present day students.

Judge Williams's purpose, so far as he was able, has been to write a definitive history of the region treated by him, and in this endeavor he drew upon widely separated archives, such as the records of the Carolinas, of the British Museum, the Draper Collection, the Burton Collection, the Library of Congress and others; so that the result of his labors rests upon the most authoritative sources. "No historian," says Judge Williams, "has heretofore understood what the Cherokee and Chickasaw Indians did to win the valley of the Tennessee River from the French," and he undertakes to make good this oversight and do justice to these great American Indians who did so much before the French and Indian War to hold that country for Great Britain against the strategy of France.

To carry out the purpose announced by him Judge Williams has worked many of the best and most fruitful years of his life in the collection, classifying and reclassifying the material employed by him. The result is a work of solid scholarship and absorbing interest. While it is not intended for popular reading it is far from dull and will amply reward any person appreciative of good reading. For the student who would know the history of Tennessee and the Tennessee River this work is indispensable.

A unique feature of the book is a list covering eight pages of "Homesites of earliest settlers," comprising the final chapter of the book. It has a brief appendix, 25 pages of bibliography, and an excellent index of 17 pages.

—Grant Foreman

Muskogee, Oklahoma

A Continent Lost—A Civilization Won. By J. P. Kinney. (Baltimore: Johns Hopkins Press, 1937. XV+ 366 pp. Bibliography, appendix and illustrations. $4.00.)

"The American Indian has lost a continent but has won a civilization." These are the closing words of a carefully prepared and well-documented book on Indian land tenure in America, written by a man who has considerable background of experience in dealing with the "property interests" of our Indian citizens.

The author has served in the forestry unit of the Indian Service since 1910 and for a number of years as director. He is therefore in a position to contribute toward a better understanding of the issues involved in the difficult field of Indian administration.

Mr. Kinney contends that only one side of the problem of adjusting the relationships between the white and red races has been emphasized; namely, the failure of the Government. Undoubtedly in past times as well as in more recent propaganda the alleged failures of the Government have come in for caustic criticism.

In order to give an historical perspective to his study the author quotes source material and persons who actually were involved in formulating and administering policies. He points out, furthermore, that the United States has been wrestling with the Indian problem for upwards of 150 years. During that time vast social and economic changes affecting all classes of society have transpired; hence one should not judge too harshly what previous generations have failed to accomplish in the "racial solution" of the American Indian.

From 1789 to 1824 the Government pursued a course of opportunism with respect to Indian affairs. Because of the absence of a well-defined policy and indifferent success in such measures as had been taken, many, according to the author, lost confidence in the possibility of assimilation. His conclusion is that on account of the pressure brought to bear during the Jacksonian period removal was inevitable.

To Oklahoma readers the author's reference to the success achieved by many of the emigrants to Indian Territory is of interest as well as his closing comment of the chapter: "Comparison with their (Five Civilized Tribes) past or present condition with what it would have been if the removal had not been effected is purely speculative. It is indisputable that well-informed contemporaries of the emigrants did not consider that prospects of their assimilation in the south to be promising and their continued existence there as distinct communities was certainly as impossible of attainment as has similar segregation in an Indian Territory west of the State of Arkansas proven to be." (p. 80)

In accounting for the continent that was "lost" the writer is at his best when describing the steps leading up to allotment and the workings of that system. At no point is the need of an adequate historical perspective more necessary than in the consideration of this vital subject, partly because of the misleading propaganda released on an unsuspecting public in recent years. As an early indication of an allotment policy he cites the order of the General Court of Massachusetts Colony of 1633 wherein occurs first mention of the term "allotment." This predicated a voluntary relationship which the New England Indians might wish to assume with the English Colonists "to live civilly and orderly." A more advanced step was that taken in a treaty with the Wyandot, Seneca, Delaware, Shawnee, Pottawatomie, Ottawa, and Chippewa in 1817 which clearly contemplated vesting of fee simple title to land in individual Indians during their lifetime. Moreover, by Article 7 of the same treaty the chiefs were given authority to determine when the individual Indian should assume responsibility as an owner of land in fee simple. The very next year, however,

this part of the treaty was changed and thus Indian "self-government" had to wait.

Very significantly the writer points out that approximately seventy treaties with specific authorization for allotment of land to individuals meeting certain requirements had been made prior to the General Allotment Act of 1887. All of this signifies the groundwork laid before the enactment of this much discussed (often unmercifully belabored) act which has been described as the greatest single experiment in granting citizenship to any people. That this was not a piece of "must legislation" to be hurried through Congress in ninety days is evident from ten years of discussion which was devoted to the subject before it was enacted into law.

Perhaps too much of immediate good was expected from the General Allotment Act of 1887. Be that as it may, the author gives two valid causes for its alleged failure. These are largely administrative in nature and have to do with leasing and sale of land. The "leasing evil," launched in 1891, is still with us; the sale of allotments was approved in 1908; the wholesale granting of patents-in-fee in 1918. The inheritance of allotments also led to confusion and "heirship lands" are still the bug-bear of Indian agents. Little wonder, then, that Commissioner Jones (1900) cites three obstacles in the pathway of Indian progress: *rations, annuities,* and *leases.* He might very well have cited a fourth; namely, *the Indian bureau itself,* for the far-flung record of Indian history seems to indicate that without a paternalistic bureau to administer rations, annuities, leases, sale of lands, and other factors prolonging the blight of dependency, these "evils" might never have proven so formidable.

Although the author discusses Indian land tenure from early times to 1936, he does not, except in a most casual manner, comment on the policies of the present (Collier) administration. It is presumed that he is too closely identified with the present and therefore does not have sufficient perspective to check up on the merits or demerits. Provisions of the Wheeler-Howard Act of

1934 are given and a brief resume of the so-called Oklahoma Welfare Act of 1936 (p. 320).

In conclusion the writer points out that the 300,000 recognized Indians in the United States still hold considerable land, "sufficient to afford each Indian approximately 160 acres if it were equally divided. . . . The disparity in land holdings between the Indians and other inhabitants in the United States is not as great as some have assumed." Furthermore, "the limited amount of land still held by the Indians derives its chief significance from the fact that the Indians have never to a marked extent entered into the urban industrial life of the nation." (p. 340). Of course what the future has to reveal on that subject remains to be seen. The present reviewer has made several recent studies, one of Indians in urban life in Oklahoma City, which would seem to indicate that Indians are increasingly entering into the industrial life of our nation, not only in the larger cities, but in towns and villages contiguous to the Indian country.

Mr. Kinney is due a vote of thanks on the part of Indians and friends of the Indians for his contribution to a sound historical treatment of a very vital subject in Indian affairs—Indian land tenure in America.

—G. E. E. Lindquist.

Lawrence, Kansas.

A Survey of Research Materials in Oklahoma Libraries. Prepared under the direction of the A. L. A. Resources Committee, Subcommittee for Southern States. Edited and compiled by Icko Iben (Stillwater, A. & M. College, 1937. Pp. iii, 44. Pamphlet, free.)

The orderly development of library collections has long been recognized as a basic condition for successful research. To the present time we have had in Oklahoma little coordination in the building of our library resources. The American Library Association became interested in the program of inaugurating agreements on purchase and building research collections. Any such

program, of necessity, would be based on actual knowledge of the availability of books and journals in the state, and to Mr. Icko Iben, librarian of A. & M. College, was entrusted the problem of making this survey. A specially prepared circular was submitted to some thirty state libraries, including the University of Oklahoma, A. & M. College, Oklahoma Historical Society, Oklahoma Library Commission, State (Law) Library, the five teachers colleges, nine other colleges, and ten public libraries. From these replies Mr. Iben prepared this survey.

Divided into two parts, the report covers some fifty subdivisions. Part one concerns the holdings of those collections strong in English and foreign language dictionaries, encyclopedias and bibliographies, in indexes, state and federal documents, and lists of dissertations. The Second Part deals with a variety of special subjects included under the broad divisions of the Humanities, the Social Sciences, and the Pure and Natural Sciences.

The survey fills an immediate need. To the research student it is a guide to source materials available in the state. To librarians of state institutions it may be used to advantage in planning their future purchases with the least possible duplication, for the survey shows the relative strength and weakness of the thirty libraries.

A few typographical errors inadvertently found their way into the pamphlet but many of them were corrected with pen before the survey was released. And, of course, one should not expect much more of the survey than is contained in its forty-four pages. This is a great stride towards a more comprehensive work —the Union Catalog of state library holdings. And to Mr. Iben are due the encouragement and appreciation of the research students and librarians of the state. This is a splendid beginning.

—Gaston Litton.

National Archives.

Red Cloud's Folk. By George E. Hyde. *The Civilization of the American Indian Series,* Vol. XV. (Norman: University of Oklahoma Press, 1937. 331 pp. Frontispiece and maps. $3.50.)

This interesting and scholarly study presents a history of the Oglala Sioux Indians. The author traces their history from the period of early migration down to the time when they were placed on a reservation in accordance with the policy then favored by the federal government. The reader is led to admire the heroic resistance of Red Cloud and his associates to this policy. One is tempted to believe that the Government made a serious mistake when it sought to destroy the only leadership the Oglala understood. They should have been given more time to adapt themselves to their changing conditions according to Mr. Hyde.

Red Cloud stands out as a vigorous and colorful leader. Much light is thrown on other interesting Oglala personalities. The author after many years of careful research depicts in thorough fashion the trying vicissitudes of the encroachment of the white man and the conflicts which ensued. The story comes to the settlement of Red Cloud's folk in 1878 around Pine Ridge where they have remained to this day.

The writer has based his account upon government reports, publications of historical societies, accounts of Indians themselves, of white people who knew them, and upon good secondary sources. Greater care should have been exercised in the footnotes; at one place the name Kappler is spelled with a C. A brief but select bibliography is listed. This volume is a real addition to the splendid series known as *The Civilization of the American Indian.*

—James W. Moffitt

Oklahoma Historical Society

Several Oklahoma newspapers, notably, *The Ardmoreite,* the Chickasha *Daily Express,* the Mangum *Star,* the Purcell *Register,* the Cleveland *American,* the El Reno *American,* the Clinton *News,* and the Hobart *Democrat-Chief,* have recently issued special commemorative editions to mark the progress and prosperity of their respective home towns. *The Ardmoreite,* the Mangum *Star,* and the Purcell *Register,* each marked, not only the semi-centennial anniversary of its own establishment, but, also commemorated the completion of the first half century of achievement and develop-

ment since the settlement of their respective patronizing communities. The Cleveland *American* put forth its special effort to commemorate the flight of more than two score years since the surplus lands of Pawnee County were opened to homestead settlement. Both *The Ardmoreite* and the Chickasha *Daily Express* contained much material pertaining to local pioneer history. The Purcell *Register* presented a fine exposition of Purcell and of McClain County, but, though its own files constitute one of the finest and most prolific sources of local history in the state, it failed to refresh the minds of the reader as to the beginnings and development of local history within the limits of its patronizing area.

The Mangum *Star* has presented a carefully prepared review of the local history of Greer County and the contiguous counties which once constituted the original Greer County, in completeness, thoroughness and accuracy. It is especially rich in material of documentary origin, pertaining to the seventeenth and eighteenth centuries and that part of the nineteenth century which preceded the earliest settlements in the county.

The special edition of the Clinton *News* appeared in the form of a pamphlet, entitled *History of Custer and Washita Counties.* It is devoted to the local history of Custer and Washita counties, of which Clinton is the major commercial center; it is located near the dividing line which marks the boundary between the two counties. Unlike the Mangum *Star* special edition, it devotes no space to archaic or pre-settlement history, but, instead, it is rich in stories of the pioneer life of the Upper Washita country in the early and middle nineties.

When one reflects that local history has a rightful place in the popular intelligence and sentiments of a community, the value of such a service to the people of a town or of a county can scarcely be over-estimated. Such a spirit of enterprise on the part of publishers, therefore, is to be commended.

—Joseph B. Thoburn.

Historical Records Survey

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS.

The regular quarterly meeting of the Board of Directors of the Oklahoma Historical Society convened in the Historical building, Oklahoma City, Oklahoma, October 28, 1937, with the President, Judge Thomas H. Doyle, presiding.

The Secretary called the roll which showed the following members present: Judge Thomas H. Doyle, Mr. George H. Evans, Dr. Grant Foreman, Dr. Emma Estill-Harbour, Judge Robert A. Hefner, Gen. William S. Key, Mrs. Frank Korn, Mrs. Jessie E. Moore, Mr. W. J. Peterson, Judge Baxter Taylor, Dr. J. B. Thoburn, Judge William P. Thompson, Mrs. John R. Williams, Judge R. L. Williams, and James W. Moffitt, the Secretary.

The following members had presented their excuses for absence: Gen. Charles F. Barrett, Judge Harry Campbell, Dr. E. E. Dale, Judge Thomas A. Edwards, Judge Samuel W. Hayes, Mrs. Roberta C. Lawson, Col. A. N. Leecraft, Mr. John B. Meserve, and Mr. Jasper Sipes. The reasons given for being absent were deemed sufficient.

Judge R. L. Williams moved that the reading of the minutes of the Board meeting held July 29, 1937, be dispensed with, and that the Board resolve itself into an executive session. Motion was seconded and carried.

The executive session being ended, the regular order of business was resumed.

The President presented Mr. C. C. Childers, Commander of the Sons of the Confederate Veterans, who addressed the meeting in behalf of the Daughters of the Confederacy requesting the use of the women's patriotic room for their meetings. Judge R. L. Williams read a letter from Mrs. Aletha C. Conner, in behalf of the Auxiliary of the Spanish War Veterans, in regard to the use of the women's patriotic room in the Historical building. Mrs. Frank Korn, chairman of the committee from the various organizations entitled to use the room, explained the rules that had been adopted governing the use of the room. Judge R. A. Hefner, chairman of the committee appointed at the Board meeting held July 29, 1937, to investigate the use of the women's patriotic room and kitchenette, read the report of the committee, which the President ordered received. Judge R. L. Williams moved that the State Organizations be permitted to hold two meetings each year and the Oklahoma City local organizations by permission of the officers of the State Organizations be allowed the same privileges; and that the kitchenette be continued as it is now used by the said local organizations until the annual meeting of the Board next January. Motion was seconded and carried.

Judge R. L. Williams made a report on the Sequoyah Home and Park, mentioning the things that had been done, such as building a power house with water tower, sewerage plant and stone toilets, flag pole, the custodian's house, installing a dynamo for electric lights, and stringing the electric wires on cedar poles and constructing the iron gate with Marble City marble columns built on each side of the gate in addition to the construction of the stone wall around the park, all of which had been completed, and he further moved that the Secretary and other officers

in Oklahoma City, in connection with the State Park Service and if possible with the approval of the National Park Service, prepare a project properly signed and present same to Mr. Ron Stephens, State Administrator, WPA, to be approved by him and sent to Washington for approval, so that the balance of the Federal Aid project money for walls around said Sequoyah Home and Park, which is approximately $700.00 or more, now unexpended, can be used to landscape the grounds surrounding the Sequoyah Home. Motion was seconded and carried. Judge R. L. Williams explained that he had advanced the sum of $50.00 to secure a certain donation of $300.00 for carrying on the work at the Sequoyah Home. Mr. W. J. Peterson moved that the Treasurer be authorized to reimburse Judge R. L. Williams for this $50.00 expended by him. Motion was seconded and carried.

Judge R. L. Williams requested that the committee be authorized to secure and purchase a copper plaque for the Robert M. Jones Cemetery wall to be placed in lieu of a cornerstone, inscription thereon to show that it was a WPA project and that the Oklahoma Historical Society was Sponsor and that it was constructed in commemoration of the patriotic services of Robert M. Jones, he having been a member of the Congress of the Confederate States of America from the Choctaw Nation and an outstanding leader in everything that pertained to the welfare of his tribe. Judge R. A. Hefner moved that Judge R. L. Williams be authorized to secure such copper plaque, have it suitably inscribed and installed, the cost to be taken out of the $367.42 that had been transferred to the Sequoyah project. Motion was seconded and carried.

Dr. J. B. Thoburn called attention to the first cemetery set aside in Grady County, in which the Moncriefs are buried, as explained in an anniversary edition of the Chickasha *Express*.

Gen. William S. Key moved that the committee consisting of Judge R. L. Williams, Dr. Grant Foreman and W. W. Hastings be authorized to negotiate on the part of the Historical Society with the National Park Service toward having said Sequoyah Park not only increased in area but ultimately to be taken over as a part of the National Parks of the United States and also as to the Robert M. Jones Cemetery as a National Park. Motion was seconded and carried.

Mrs. John R. Williams called attention to the fact that the west side of the state was being neglected in the matter of parks. Judge R. L. Williams moved that a committee composed of Judge Thomas A. Edwards, Mrs. John R. Williams, Gen. Charles F. Barrett, Mrs. Jessie E. Moore and Mr. George H. Evans be constituted to take care of the west side of the state in the matter of parks, leading up to incorporating them in National Parks. Motion was seconded and carried.

The illness of Judge Samuel W. Hayes was reported and Dr. Emma Estill-Harbour moved that the Board send flowers to the hospital for Judge Hayes. Motion was seconded and carried.

Dr. Grant Foreman read his report on the WPA project for indexing and cataloguing newspapers and the Indian-Pioneer History project, announcing the resignation of Mrs. Edith Clift as director of the WPA project for the Historical Society and the appointment of Mr. John Ryle as her successor, and also Dr. Foreman reported his own resignation as director of the Indian-Pioneer History project and the appointment of J. Stanley Clark as his successor. The need for ten steel filing cases for the Indian archives and three double steel filing cases for newspaper cards was explained. Judge R. L. Williams moved that the Secretary be instructed to make requisition for these thirteen cases. Motion was seconded and carried.

Judge R. L. Williams moved that he be permitted to draw on the $367.42 that had been set aside for the Sequoyah Home project to apply on the landscaping of the grounds surrounding the house, and for a plaque on the building. Motion was seconded and carried.

Dr. Grant Foreman read a paper setting forth the fact that Mr. J. B. Milam of Chelsea had advanced the money to purchase a plot of ground in Fort Gibson in which John Martin, a distinguished Cherokee, was buried in 1840; the deed to run in the name of the Oklahoma Historical Society. The President reminded the Board that deeds should be taken in the name of the Oklahoma Historical Society as trustee of the State of Oklahoma. Dr. J. B. Thoburn moved that the President and Secretary acknowledge receipt of this proposition under the seal of the Society and thank Mr. Milam for his generosity. Motion was seconded and carried.

Dr. Grant Foreman presented a resolution extending an invitation to the Sixth Regiment of United States Infantry, which is to pass through Oklahoma November 16, 1937, to visit Fort Gibson and enjoy the facilities of the reconstructed fort and surrounding state park, and that the Secretary send a copy of these resolutions to Col. Joseph A. Atkins, Camp Bullis, San Antonio, Texas. Judge R. L. Williams moved that these resolutions be adopted and that Gen. William S. Key be also furnished a copy of these resolutions. Motion was seconded and carried.

The Secretary presented the following list of applicants for membership in the Society:

Life: Mrs. Mabel Carrico Holtzschue, Oklahoma City.

Annual: Anna Joe Adair, Oklahoma City; Bettie Bullette, Tulsa; George H. Burress, Oklahoma City; Joseph H. Comer, Hominy, Mervil S. Dutton, Oklahoma City; Turner L. Ervin, Albuquerque, New Mexico; Mabel May Fasken, Sand Springs; Mrs. George Frederickson, Oklahoma City; Mrs. Charles R. Freeman, Checotah; Mrs. Wm. O. Garrett, Okmulgee; Roscoe E. Harper, Tulsa; Charles A. Holden, Tulsa; Ralph Hudson, Oklahoma City; Rev. J. J. Humes, Stonewall; Leonard O. Lytle, Sapulpa; Mrs. L. L. McMillin, Oklahoma City; J. S. Maytubby, Clarita; James D. Morrison, Wilburton; Mrs. L. M. Poe, Tulsa; Mrs. Catalina Prater, Oklahoma City; Charles B. Rhodes, Muskogee; Edwin S. Stahl, Oklahoma City; Mrs. E. W. Tanner, Alva; M. E. Williams, McAlester; Reginald S. Williams, Oklahoma City; T. B. Williams, Oklahoma City; Harry H. Williamson, Fort Gibson; Martin I. Zofness, Bartlesville. Mr. W. J. Peterson moved that they be accepted. Motion was seconded by Judge William P. Thompson, which carried.

The President requested Dr. Emma Estill-Harbour, vice president, to take the chair.

Judge R. L. Williams called attention to the fact that the spot where Alexander Posey, the Creek poet, died, has never been marked.

Mrs. Jessie E. Moore discussed the commemoration of the one hundredth anniversary of the coming of the Chickasaws to this country. Judge R. L. Williams moved that a committee of three be appointed to take steps to have articles prepared commemorating this anniversary, and furnish same to the editorial committee for approval for publication in the December number of *Chronicles*. . Motion was seconded and carried.

Judge Baxter Taylor, chairman of the library and museum committee, presented a request for the purchase of markers for pictures amounting to $26.80 and for small printed markers for articles in the museum amounting to $29.00. Gen. William S. Key moved that these markers be pur-

chased and paid for out of the State appropriation. Motion was seconded and carried.

Judge R. A. Hefner, chairman of the committee to pass on the manuscript prepared by Winifred Clark, purporting to be a copy of the Seminole laws, read his report. Judge R. L. Williams moved that we request this committee to file this report with the typewritten copy of the Seminole laws and place them in the archives of the Society, and that the Treasurer be authorized to issue check for $15.00 out of the private funds of the Society to pay Winifred Clark for her work in typing the manuscript. Motion was seconded and carried.

Judge Thomas H. Doyle tendered a document from the citizens of Bartlesville, in which they presented to the Oklahoma Historical Society a tablet commemorating the discovery of the "first commercial oil well" April 15, 1897, in Johnstone Park at Bartlesville.[1]

The Secretary read a petition from Mrs. Mabel Carrico Holtzschue, President of the '89ers Association, requesting that a room be set aside or a place designated in the Historical building, where the '89ers Association may place their pictures, documents, and museum pieces to be exhibited as property of the '89ers Association. Judge R. L. Williams moved that we provide a place for their exhibit and display same as a gift from the '89ers Association if they will turn same over to be held as the property of the Historical Society. Motion was seconded and carried.

The Secretary reported that Judge J. R. Keaton had promised to present to the Society an Indian beaded papoose cradle. Judge R. L. Williams moved that the Secretary be instructed to secure this cradle. Motion was seconded and carried.

The Secretary read a letter from Mrs. Lottie J. Francis, executrix of the estate of the late J. L. Francis, regarding an old grandfather clock that her husband had lent to the Society and asked that the missing parts be replaced and the clock returned. Dr. J. B. Thoburn moved that the clock be assembled and the Secretary be instructed to write to Mrs. Francis and tell her she is at liberty to call for the clock and remove it from the Historical building. Motion was seconded and carried.

Dr. Grant Foreman presented the matter of expenses incurred in connection with the University of Oklahoma for the Indian-Pioneer History project, in which the University was to bear one-half of the expenses for supplies, and reported that President W. B. Bizzell had sent in a check for $54.50, the University's part of the cost of supplies, and moved that the Secretary be instructed to endorse this check to Stanley Clark, director of the Indian-Pioneer History project to be used in partial payment for supplies. Motion was seconded and carried.

Dr. J. B. Thoburn discussed his writings on archaeology and the advisability of having them published in *Chronicles of Oklahoma*, and also having these articles appear as separates or monographs.

Judge R. A. Hefner moved that a committee of three persons who have had actual experience in printing and publishing be appointed to confer with the State Board of Affairs in the matter of arranging for the Society's publications. Motion was seconded and carried.

The Chair called attention to an unpaid typewriter bill for July and August, 1937, the closing months of the second WPA project for the His-

[1] Judge John Bartlett Meserve represented the Oklahoma Historical Society at this occasion.

THE FIRST
COMMERCIAL OIL WELL
IN OKLAHOMA
COMPLETED APRIL 5, 1897

torical Society, amounting to $42.75. Dr. Grant Foreman moved that this claim be allowed out of the $400.00 that had been set aside for the WPA project at the July Board meeting. Motion was seconded and carried.

Mrs. Jessie E. Moore, of the library and museum committee, explained the need for more cases for the museum, and moved that two tall double cases be purchased for the museum, at a cost of $525.90 each. Motion was seconded and carried.

The meeting stood adjourned.

Judge Thomas H. Doyle, President,
Presiding.

James W. Moffitt,
Secretary.

NECROLOGY

ROBERT H. WILSON
1873-1937.

Robert H. Wilson was born near Scottsville, Allen County, Kentucky, August 25, 1873. He died at his home in Oklahoma City, Oklahoma, October 4, 1937, at the age of sixty-four years. His father, John A., and his mother, Mary E. (Briley) Wilson, moved to Texas in 1891. They settled near Whitewright, in Grayson County. Robert was the eldest of eight children, five sons and three daughters.

His early education was in the rural schools in Kentucky, and was mostly on his own initiative. At the age of twenty he had the opportunity of entering Grayson College, Whitewright, Texas. In order to remain in school it became necessary for him to borrow money to meet his expenses. His determination and longing for an education caused him to do this. He attended college for three terms and then taught school for one year, returning to college the next fall. He was unable to finish the term mostly by reason of his limited financial resources. He taught in the rural schools of Texas, spending his vacation periods upon the farm.

On September 17, 1899, he married Miss Grace Womack, daughter of William M. and Maggie (Blanton) Womack, of Whitewright, Texas, and they have two children: Robert Lee, who was born January 6, 1901, and Mary Grace, who was born October 16, 1909, who is now Mrs. Fred Bogle. Mr. Wilson was a member of the First Baptist Church of Oklahoma City.

In December, 1903, he moved to Chickasha, Indian Territory, or what is now Grady County, Oklahoma. He was elected as principal of one of the grade schools of that city, and with the coming of Statehood in 1907, he was elected as the first County Superintendent of Grady County, without opposition. He held his position until January, 1911, when he assumed the office of State Superintendent of Public Instruction to which he had been elected.

As County Superintendent of Grady County he demonstrated his ability as a school man and as an organizer. He at once began the organization of seventy-one school districts, many of them in the old Indian Territory where no schools had been prior to that date. Many new buildings were erected under his supervision, and he was one of the first County Superintendents in Oklahoma to organize and establish consolidated and graded schools for rural children. When he finished his term of office only three counties in Oklahoma could claim a greater number of first grade teachers than Grady County. During the time he was County Superintendent he served two and one-half years as a member of the Board of Education of the City of Chickasha and assisted in the establishment of a splendid school system. In 1908 he was elected President of the Oklahoma School Officers' Association and in 1909 he was elected Chairman of the Executive Committee of the Oklahoma Teachers' Association. In November, 1910, he was elected State Superintendent, was re-elected in 1914, and elected for a third term in 1918. In November, 1914, he was elected President of the Oklahoma State Teachers' Association by an overwhelming majority. *The Oklahoma Teacher*, in its November, 1937, issue, in giving notice of his passing, says:

ROBERT H. WILSON

"A great deal of credit for the organization and building of Oklahoma's school system should go to R. H. Wilson who died in Oklahoma City October 4. He served as State Superintendent for 12 years, while the state was very young. He was a vigorous school executive and was an ardent supporter of the rural schools. He pushed through many consolidations. He organized the Department of Rural School Supervision and sponsored the law which made state appropriations for the erection of consolidated school buildings.

Wilson made a determined effort to reduce the illiteracy in the state,—through Wilson's efforts illiteracy in the state was materially reduced.

Higher education also received his earnest attention. During the time he was State Superintendent he was also President of the Board of Regents for the University and of the six normal schools. Credit should go to him for bringing Stratton D. Brooks to the presidency of the University of Oklahoma and for raising the six normal schools to teachers' colleges.

He sponsored the bill which set up the Department of High School Inspection and appointed the first inspectors.

Wilson was one of the first three to become a life member of the Oklahoma Education Association and served as its president in 1915. He courageously supported those things which he thought were right and his influence on the schools of Oklahoma will never be forgotten."

His career shows steadfastness of character and purity of principle. His record during his life displayed a patriotic and abiding faith in the principles of our Government, a correct sense of justice and a deep and generous sympathy for those who struggled for the betterment of themselves and their children. He believed that the foundation of a wise and enduring Government was the education of its people and if there was any one course more than another which appealed to his sympathy and enthusiasm it was for the education of the rural children of this state.

Although Robert H. Wilson devoted most of his life to education, particularly to the organization and betterment of rural schools and for equal educational opportunity for all children of the state, and by these he will best be known for his outstanding work in the field of education, his duties as State Superintendent and as a member of the School Land Commission, held by virtue of his office as Superintendent, and as President of the State Board of Education, and Chairman of the State Text Book Commission, gave him an opportunity to demonstrate his ability as an executive and as a business man. With the Governors of the State, and other members of the commission he met the duties and responsibilities imposed upon him, and today the magnificent sum of money now to the credit of the common schools of this state is a reality due to his and his associates' integrity and sound business judgment. After his retirement from public office his advice and judgment were often sought by many in public life. His close friends therefore think of him not only as a leader in establishing the educational system of this state but as one of Oklahoma's outstanding pioneers, a public officer whose honesty and integrity were never questioned, and whose life was devoted to the welfare of the state and the perservation of the republic. He was a man of positive convictions and was always moved by those convictions.

Although positive and firm in his views on public questions, he was kind and gentle. Everyone who knew him and watched his career pointed to him as an upright man, able, conscientious, an honest public official. No one ever questioned his integrity. His life is a lesson to the youth of Oklahoma, whom he loved and served.

A poem written by Mr. Wilson himself well expressed the purpose of his life.

My creed is work; to follow duty's call
However far it leads across the plains
Through trackless woods, or ringing on the hills;
To seek pleasure in the realms of toil.
Still ever striving for a larger self
With which to do a service for the rest.

To lay a new path through the unknown way,
And leave some heritage e'en though so small
No other hand would love or care to leave.

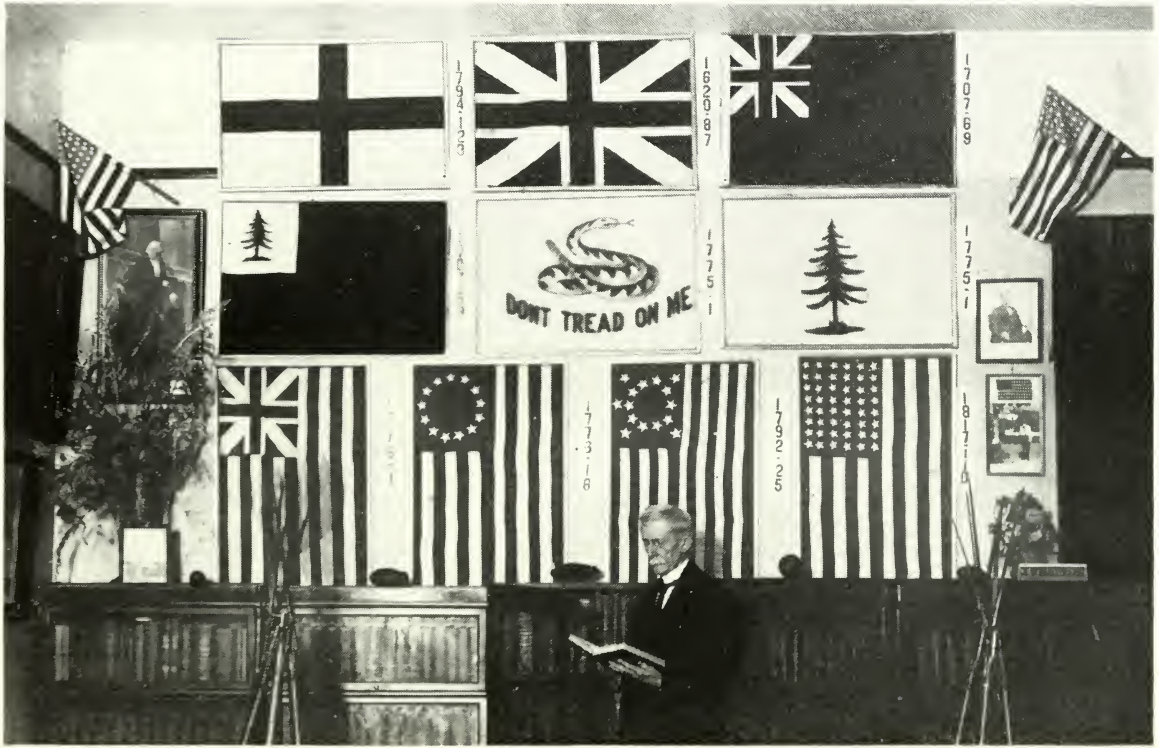
Rejoicing ever in my brother's craft,
To follow system in the perfect law.
Be what I am, and do my very best
To lead a life that towers above the hills,
And points the way across the plains to God." —R. H. Wilson.

He welcomed the final summons and when it came he bade farewell to earthly things and in the quiet way so characteristic of his earthly life he journeyed to that undiscovered country from whose bourne no traveller ever returns and in the words of the poet:

"I am restless still; twill soon be over; for down the west
Life's sun is setting; and I see the shore where I shall rest."

—Bert B. Barefoot.

Criminal Court of Appeals.



REV. EVAN BER NARD RINGLAND

REV. EVAN BERNARD RINGLAND
1846-1937

Reverend Evan Bernard Ringland, born 1846, in Amity, Pennsylvania, died October 10, 1937, Oklahoma City, Oklahoma.

In 1851 his parents removed to Iowa, where within six months his father died. His mother reared and educated the four little children to fine adult age in church, civic, and social citizenship. One son, Rev. A. W. Ringland, McAlester, was of the Presbyterian ministry; Thomas, a successful farmer and citizen in Iowa; a daughter who was the devoted companion and home keeper for her mother; while Evan Bernard was of several interests. When seventeen years of age, he enlisted in the federal cause in the Civil War; was assigned to the medical staff and served until January, 1866. A kindly physician of the staff encouraged him to the medical profession, which he practiced for thirty-two years, establishing a sanatorium at Hamilton, Illinois. Here he developed paralysis, and in 1905 sought a new climate in the southwest. In 1912, under the guidance and friendship of Dr. Phil Baird, he was ordained into the Presbyterian ministry, and served three mission churches and two mission Sunday Schools in Oklahoma City. In 1920 paralysis again laid him aside. In 1926 Governor M. E. Trapp appointed him curator of the Union Soldiers Memorial Hall, belonging to the State Historical Society. Here he served continuously until the time of his death.

Although of frail health which limited his activities, he was ever warmly interested in affairs of state, church, and city.

The visitors who came and went to the Memorial Hall were an inspiration to him. The Grand Army Post and the Relief Corps organizations were his friendly support and guidance, while his Confederate co-workers and friends gave him unqualified pleasure; the Oklahoma Memorial Association was ever a wonder to him; once he remarked, "If there is a 'humble pride,' I feel it for this Association." These interests along with his beloved church, his home and friends crowned the many years with service and joy.

He is survived by his wife, two daughters, and a son.

CHARLES L. MOORE
1868-1937

Charles L. Moore was born June 2, 1868, Bernadotta, Fulton County, Illinois. Died in Oklahoma City, October 14, 1937 at the age of 69. His paternal grandparents were natives of Ohio; his maternal grandparents were natives of New York. His paternal grandfather was a Captain in the Mexican War, and was a United States Brigadier General in the Civil War. The maternal grandfather served in the Black Hawk War from Illinois.

He was reared on a farm and attended the rural district schools in Fulton County, Illinois, and Wilson County, Kansas. He attended the Albany, New York, Law School, and was graduated in 1892. He practiced law for a short time in Missouri and came to Enid, Oklahoma, in 1893. He served as City Attorney of Enid for two terms; was a member of the Constitutional Convention from November 20, 1906, to the 16th day of November, 1907, when the Convention was adjourned by proclamation of Wm. H. Murray. He served as an Assistant Attorney General for the State of Oklahoma for six years during the term of Colonel Charles West, Attorney General; he was a member of the Oklahoma Supreme Court Commission. His father was the first Mayor of the town of Enid and served seven years as the President of its Board of Education.

Charles L. Moore was married on the 21st day of June, 1898, to Miss Mary L. Pitkin of Memphis, Missouri, with whom he lived a congenial and happy life in a beautiful home and pleasant surroundings in Oklahoma City until his death. They had no children.

He believed in an all-wise Creator and lived a consistent Christian life, and died standing on the promises of Him who is too wise to err and too good to be unkind.

Charles L. Moore served two terms as City Attorney of Enid, and his administration was marked with that degree of efficiency, and the enforcement of law in a sane and humanitarian manner, that he became so popular with the people, he was elected as a member of the Constitutional Convention in 1906, with no serious opposition for the democratic nomination. However the town and vicinity of Enid being largely republican, he was elected to the Constitutional Convention because of his knowledge and outstanding ability and great personal popularity.

Charles L. Moore served as a member of the Constitutional Convention. Was reserved in his manner and character. He never pushed himself forward and was known as one of the reserved and strong-working, active members of the Constitutional Convention with real ability.

He was Chairman of the Federal Relationship Committee; Chairman of the Committee on Revision, Compilation, Style and Arrangement of the Constitution. He was a member of the Judiciary and Judicial Department Committee; member of the Judicial Apportionment Committee; member of the Ordinances Committee; member of the Legal Advisory Committee; member of the Municipal Corporation Committee, and a member of a special committee appointed by President Murray to consider the advisability of inserting "Jim Crow" provision in the constitution. He was appointed on a special Legal Committee to consider the amendment

of the election ordinance to conform to the opinion of the Oklahoma Territory Supreme Court in an injunction proceeding.

Mr. Moore presented a petition from the club women of Garfield County in reference to the employment and education of children. He also presented petitions relating to religious liberty and to woman suffrage.

Mr. Moore introduced and sponsored in the Convention a resolution relating to Public Libraries for private enterprise. Resolution No. 260 relating to construction of the Constitution; Resolution No. 261 relating to, limit corporate indebtedness; Resolution No. 263 relating to, election ordinance. He introduced a resolution inviting Professor Eberhard to address the Convention.

In all legislative or public bodies upon whom the eyes of the public are turned, many thoughts or policies are developed in private or committee rooms, and some alert member looking for newspaper headlines will, upon his own initiative introduce and father the thoughts originated by others. This happens in all public assemblies. Mr. Moore did not belong to that class of statesmen. He worked conscientiously for the common cause and for the good of all without any thought or desire to be heralded as a benefactor. All his honor came to him unsought.

After Mr. Moore retired from public work, he engaged in the private law practice first at Enid and then at Oklahoma City. He was for a number of years President of the Garfield County Bar Association, and for one year Vice-President of the Oklahoma State Bar Association.

He assisted in the organization of the Oklahoma Saving and Loan Association formerly of Enid and removed to Oklahoma City, and has been connected with this outstanding Home Loan Association for the past 22 years, during which time he has also been engaged in the private practice of law in Oklahoma City.

During his active and useful life he never became conspicuous as a headliner in the public press, but this article is written to the end that a man who has rendered such valuable service to his state shall not be forgotten. He has administered every office he has held to the highest degree of credit. He was outstanding as an adviser and advocate in the interest of the state of Oklahoma during the six years he held the office of Assistant Attorney General. His decisions while he was on the Supreme Court Commission, stand out and speak for themselves and will ever be a part of the Judicial history of the state of Oklahoma.

May He who directs the sparrow's fall, give us more men to serve society and the State of Oklahoma like Charles L. Moore.

—George A. Henshaw.

Oklahoma City, Oklahoma

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